Supreme Court, U.S.
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CASE NO. _____

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IN THE
SUPREME COURT OF THE UNITED STATES

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CHRISTOPHER N. AMAECHI

*Petitioner*

v.

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION et al.

*Respondents*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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# PETITION FOR WRIT OF CERTIORARI

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Christopher Nnamdi Amaechi
Petitioner
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## QUESTIONS FOR REVIEW

The United States Court of Appeals for the 6th Circuit has decided important federal questions in a way that conflicts with relevant decisions of the U.S. Supreme Court as in Goss v. Lopez, 419 U.S. 565 (1975); Also see Grutter v. Bollinger, 123 S. Ct. 2325 (2003); Grutter at 2339.

1. Whether imposing an academic advisor on a student against that student's opposition and without notifying the student of the reason and **without a hearing** is a violation of that student's rights to *Procedural Due Process* protected by the Fourteenth Amendment under 42 U.S.C. § 1983?

2. Whether graduating a student from a degree program without allowing that student to complete important requirements for that degree, **without a hearing,** but allowed all other students to complete the same requirements violated that student's right to Equal Protection Clause protected by the Fourteenth Amendment to the U.S. Constitution?

3. Whether terminating a student from a degree program without warning and not specify a reason, and **not follow board rules for termination and not follow board rules for a hearing** is a violation of that students right to *Due Process* protected by the Fourteenth Amendment?

4. Whether Summary Judgement is inappropriate **when the moving party tampered with an exhibit that affected the outcome of the case** in their favor and factual disputes that are relevant to the case and are necessary still exist?

5. Whether withholding a student's degree **without a hearing** and the student does not owe a cent to the institution while others alike received their degree is a violation of that student's rights to *Equal Protection Clause* protected by the Fourteenth Amendment to the United States constitution?

## STATEMENT OF QUESTION NO. 1 FOR REVIEW

Respondents established a policy or custom or procedural guideline for completing a Doctor of Education (Ed. D.) degree program. Each student enrolled in that same degree program selected his/her Major Professor (Academic Advisor) and chair of his/her committee based on board rule or policy or custom stated in the "EPE Doctoral Program Guidesheet", p. 1 item 5 Apx. **N**, p. 49. *Based on that rule or regulation or policy the petitioner decided not to select a professor with whom he was having racial tensions in an on-going basis. See petitioner's oppositions in his letter to Dr. Angelo **dated July 24, 1999**, Apx. **O**; pp. 53-55. Despite petitioner's oppositions respondents imposed that same professor on the petitioner over petitioner's oppositions to that imposition. See the imposition memo by Dr. Michael T. Nietzel's dated **October 22, 1999** Apx. P; pp. 55-57.

**Subsidiary Question for Question No. 1**

**(a).** Whether treating a student differently than non-minority students is a violation of the students right to *Equal Protection Clause* protected by the Fourteenth Amendment to the United States Constitution?

**(b).** Whether execution of that rule or regulation or policy of imposition singled out the petitioner for disparate treatment and deprived the petitioner the right to choose an academic advisor and deprived the petitioner of his freedom to choose protected by the Fourteenth Amendment?

## STATEMENT OF QUESTION NO. 2 FOR REVIEW

Respondents graduated petitioner from the Doctor of Education (Ed. D.) degree program and that was inconsistent with the board rule or custom for graduation. Each student

was allowed 5 years to complete the degree requirements after passing the qualifying examination. See page 18 1996-1998 UK Graduate School Bulletin on time limits for graduation under "Doctoral Degree" Apx. F; pp. 38-39. Petitioner passed that exam on 9/10/98. See front page of 2000 Academic Transcript Apx. B; pp. 32-35. Petitioner was at the Dissertation Defense Phase in the program. See EPE Doctoral Program Guidesheet under Dissertation Defense Phase, Apx. N; p. 51. Each doctoral candidate must successfully defend his/her dissertation before graduating as stated in a letter from Marilyn Lyons dated August 2, 2001, Apx. Z (1) pp. 71-72. Respondents graduated the petitioner while he was writing his dissertation. See page 18, "...annual COMMENCEMENT..." for graduation, Apx. E; p. 38. Respondents were inconsistent with their prescribed rule or regulation or policy for graduation.

**Subsidiary Question for Question No. 2**

**(a).** Whether graduating a minority student from a degree program without allowing that student to complete important requirements for advancement in the field that non-minority students were allowed to complete before they were graduated is a violation of that minority student's right to Equal Protection Clause protected by Fourteenth Amendment § 1 under 42 U.S.C. § 1983?

## STATEMENT OF QUESTION NO. 3 FOR REVIEW

Petitioner ("Amaechi") earned a cumulative grade point average of **3.7/4.0** in that doctoral degree program. See his Academic Transcript in Apx. B; pp. 32-35. The minimum grade point average required for that degree was a **3.0/4.0**. See Lyman T. Johnson Fellowship awarded June 8, 1995, Apx. D pp. 37-38. Petitioner also earned **"S"** grades for each semester of his enrollment in the program until after he was

graduated on May 6, 2001. See his **"S"** Grade Reports in the Apx. B; pp. 34-35. It was respondents' rule or regulation to assign a **"U"** grade to unsatisfactory performance. See back of petitioner's academic transcript or respondents' Academic Transcript Guide in Apx. C; 35-37. In the instant case, respondents terminated the petitioner on speculation that he was not making satisfactory academic progress towards the degree completion. Petitioner's grades of **3.7/4.0** for all Coursework and **"S"** for all dissertation writings are to debunk. But see **Order** from United States District Court in Apx. T; pp. 61-62; and subsequent **Order** from the United States Court of Appeals for the 6th Cir. Apx. S; pp. 58-61.

**Subsidiary Question for Question No. 3.**

a). Whether a student in any form of academic probation should **not** know that he/she is on probation and or be given a reason for that probation, a warning and a chance to improve on his/her grades before termination?

b). Whether all evidence relied upon by the respondents for their decision to recommend termination must be presented at a hearing so that the petitioner charged may respond to it?

c). Whether the charge(s) must be specific enough for the petitioner to respond?

d). Whether board rules prescribed for a hearing must be followed or the hearing be a nullity and action based on it declared void?

## STATEMENT OF QUESTION NO. 4 FOR REVIEW

Petitioner presented 130 exhibits to respondents for the hearing and for the trial of this case in the United States District Court. Respondents selected only five of those 130 exhibits and tampered with an exhibit dated March 25, 2001.

See a copy of the tampered document dated March 25, 2001, p. 4, Apx. R; pp. 57-58. See questions on the original document on page 14 of this petition. See a copy of the original document dated March 25, 2001 in Apx. Q; p. 57.

Respondents' submitted that tampered exhibit to Judge Joseph M. Hood (1970-72 graduate of UK Law School). See Judge Joseph Hood's Education in Apx. U. p. 62. The Judge awarded Summary Judgement in favor of respondents without a hearing or trial.

**Subsidiary Question for Question No. 4.**

**(a).** Whether a reasonable jury could return a verdict to non-moving party if the evidence on genuine issues of material facts is presented?

**b).** Whether the non-moving party has a right to present "significant probative evidence" to show that "there is [more than] some metaphysical doubt as to the material facts?

## STATEMENT OF QUESTION NO. 5 FOR REVIEW

Respondents continue to withhold petitioner's Doctor of Education (Ed. D.) degree after graduating him from the same degree program on May 6, 2001. There has not been a hearing to discuss that graduation. There has not been a hearing to discuss that degree being withheld. See page 18 "...annual COMMENCEMENT..." for the degree, Apx. E, p. 38; Apx. Y (3); p. 67.

**Subsidiary Question for Question No. 5**

a). Whether depriving a student the privilege to enjoy the benefits of his/her degree without a hearing is a violation of that student's right to Due Process protected by the Fourteenth Amendment under 42 U.S.C. § 1983?

## LIST OF PARTIES

PETITION FROM THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

CHRISTOPHER N. AMAECHI,

(Complainant-Appellant-Petitioner)

VS.

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF KENTUCKY, THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AT THE UNIVERSITY OF KENTUCKY, MICHAEL T. NIETZEL, DEAN OF GRADUATE SCHOOL, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY, AND RICHARD ANGELO, CHAIR OF THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AND GRADUATE FACULTY MEMBER, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY, (Defendanst-Appellees-Respondents).

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(859) 225-4714

## DISCLOSURE OF CORPORATE AFFILIATION AND FINANCIAL INTEREST

CHRISTOPHER N. AMAECHI

*Plaintiff-Appellant-Petitioner*

********

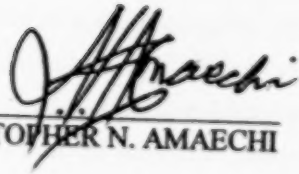
Petitioner makes the following disclosures pursuant to the-United States Supreme Court's Rule 29.6.

1. Is said party a subsidiary or affiliate of a publicly owned corporation?

   **NO.**

2. Is there a publicly owned corporation, not a party to the petition, that has a financial interest in the outcome

   **NO.**



CHRISTOPHER N. AMAECHI

01/07/05
DATE

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## CONCISE STATEMENT OF THE BASIS FOR JURISDICTION IN THE U.S. SUPREME COURT

The United States Court of Appeals for the 6th Circuit has decided important federal questions in this instant case in a way that conflicts with relevant decisions of the U.S. Supreme Court as in Goss v. Lopez 419 U.S. 565 (1975); Docket Number 73-898; argued October 16, 1974 and decided January 22, 1975. Also see Grutter v. Bollinger, 123 S. Ct. 2325 (2003); Grutter at 2339.

In addition, the United States Court of Appeals for the 6th Circuit also decided an important question of federal law that has not been decided **(i.e. terminating a student from a degree program after graduating the same student from the same degree program and without a hearing, or notice for a hearing)** but it can be settled by the Supreme Court of the United Sates.

The United States Court of Appeals for the 6th Circuit Cincinnati Ohio had jurisdiction of this instant case pursuant to 42 U.S.C. § 1983; § 2000d; 28 U.S.C. § 1331 as a matter arising under the Constitution and/or laws of the United States, and supplemental jurisdiction of the State law claims under 28 U.S.C. § 1367.

Accordingly, The Supreme Court of the United States has jurisdiction over this instant case as a matter arising from the Constitution and/or laws of the United States consistent with the language of 28 U.S.C. § 1331 and pursuant to U.S. Supreme Court Rule 10 (c).

## STATUTORY AND CONSTITUTIONAL PROVISIONS BELIEVED TO CONFER ON THE U.S. SUPREME COURT'S JURISDICTION TO REVIEW **VERBATIM QUOTATIONS REQUIRED UNDER RULE 14.1(F)**

The Kentucky State **Statute**: KRS 161.028, 161.165 (1994) provides for retention of members of the minority group in higher education in the State of Kentucky on equal terms with members of non-minority groups in the State.

The Kentucky State **Constitution**: FNI Ky. Const. Sec. 183, 347 U.S. 483, 74 S. Ct. 686, 691 L.Ed. 873 (1954) declares education of its citizens a fundamental right under its constitution. In Rose v. Council for Better Education, Inc. 790 S. W.2d 186, 60 Ed. Law Rep. 1289 (1989), the Kentucky Supreme Court held that a citizen's right to adequate education is a fundamental one under its constitution. The Court also affirmed that citizens of Kentucky have property rights and liberty to adequate education and that "such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms". Also see Russman v. Luckett, 391 S.W. 2d 694 (Ky. 1965).

Plaintiff-petitioner is a citizen of the U.S. and of the State of Kentucky in which he and his family reside. He owns property in the State and pays property taxes and hence, has a legitimate claim to his education in the State. The language of FNI. Ky. Const. Sec. 183 is implicated in the Federal Statute 42 U.S.C. § 1983 herein quoted verbatim:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured

by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress" (Reutter Jr. 1985 p. 907).

The language of FNI. Ky. Const. Sec. 183 is believed to confer with Federal Statute 42 U.S.C. § 2000d herein quoted verbatim:

"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (Reutter Jr. 1985, p. 905).

The language of FNI. Ky. Const. Sec. 183 is believed to confer with the U.S. CONST. Amendment XIV (14) herein quoted verbatim:

"All persons born or naturalized in the in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"

(Reurtter Jr. 1985, p. 904).

U.S. CONST. Amendment XI protects citizens and governments alike: This petitioner is a citizen of the United States. He is not subject of any Foreign State.

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State". (Alexander Hamilton, 1775, pp. 23-24).

## STATEMENTS OF THE CASE

Christopher Nnamdi Amaechi (petitioner) earned a Bachelor of Science (B.S.) degree in Agriculture in 1982 from Berea College, Berea, KY. From 1982 to 1986 he earned a Master of Science (M.S.) degree in Agriculture. See Apx. **W**; p. 63 and a Master of Arts (M.A.) degree in Student Personnel from Morehead State University, in Kentucky. See Apx. **X**; p. 64. Upon completion of his Master's degrees he got married and began his professional career in Higher Education - Student Personnel. He worked for over 6 years in Higher Education. On 02/22/1995 he became a Citizen of the U.S. See Apx. **A**, pp. 31-32 are facts **not** reviewed.

On January 12, 1995 the petitioner ("Amaechi") applied for admission to a Doctor of Education (Ed. D.) degree program in the Department of Educational Policy Studies and Evaluation (EPE) at the University of Kentucky, Respondents (hereafter "University et al."). (R12 Second Amended Complaint. p. 4; para. 11; Appellant/Appellee's Joint Apx. p. 50). See Apx. **Z (2)** pp. 72-78 **not** reviewed.

Amaechi was admitted into that program on June 28, 1995. Thereafter, petitioner and respondents agreed to uphold written policies and procedures, rules and regulations for that degree as stated in respondents' Graduate School Bulletin, Codes of Student Conduct, and in their "EPE Doctoral Program Guidesheet" until degree completion. Pursuant to that agreement petitioner and Dr. Richard Angelo signed an "Application for Admission Form" on June 28, 1995. (R12, 2nd Amd. Comp. p. 4, para. 12) The Courts did **not** review those facts. See Apx. **Z (2)** pp. 72-78.

Thereafter, petitioner received from respondents, three (3) pages of that "EPE Doctoral Program Guidesheet" comprising four academic phases (Coursework Phase,

*Qualifying Examination Phase, Dissertation Phase and Dissertation Defense Phase*) for a total of twenty-three (23) items, and a *"Celebration Phase"*. These documents were not presented to any Court. (R12 2nd Amd. Comp. p. 4 para. 14). See the "EPE Doctoral Program Guidesheet" and the Courts did **not** review any of its 3 pages Apx. N. pp. 48-53.

Each student enrolled in that program chose his/her committee chair as stated on p. 1 item 5 of the "EPE Doctoral Program Guidesheet" which reads: "Based on your background, career goals, research interests, and 'personal chemistry,' you ask a professor to serve as your Major Professor and chair of your committee". The Courts did **not** review this important fact. See Apx. **N.** pp. 48-49.

Due to on-going racial tensions between Dr. Richard Angelo and the petitioner that began in 1995, (R12 2nd Amd. Comp. p. 4, para. 13); petitioner wrote a letter to Dr. Angelo on **July 24, 1999** and notified him that he (petitioner) did not want him (Dr. Angelo) for an advisor. (R12 2nd. Amd. Comp. p. 9, para. 33). Lower Courts did **not** review that important fact. See that letter in Apx. **O**, pp. 53-55.

Despite petitioner's **objections** to having Dr. Richard Angelo for an advisor, respondents **imposed** Dr. Richard Angelo on the petitioner. See Dr. Michael T. Nietzel's memo to petitioner's committee dated **October 22, 1999**. The Courts did **not** review that fact. There was no hearing to discuss that imposition and there was no notice for a hearing. (R12 2nd Amd. Comp. p. 10 para. 35). See that memo in Apx. **P**. pp. 55-57.

From that point forward Dr. Richard Angelo and members of the EPE Graduate Faculty chose documentation as a means of communication with the petitioner more than verbal communication (R19 Defendants Exhibits #1-39 in

Support of Motion for Summary Judgement). Those were the only documents **reviewed** and decisions were based on them.

Whether imposing an academic advisor on a student against that student's opposition and without notifying that student of the reason for imposition and without a hearing is a violation of that student's right to Procedural Due Process protected by the Fourteenth Amendment?

Petitioner made satisfactory academic progress throughout his periods of enrollment in the doctoral degree program at the University of Kentucky that began from 1995 Fall Semester until his graduation on May 6, 2001 (i.e. 2001 Spring Semester). (R 12 2nd Amd. Comp. p. 17 para. 59). Courts did **not** review those facts. See Apx. **B**; pp. 32-35.

The minimum grade point average *required* of students enrolled in the Doctor of Education degree program in the EPE Department was **3.0/4.0.** See Lyman T. Johnson TA/RA Fellowship Award dated June 08, 1995. Apx. **D**. pp. 37-38. The Courts did **not** review that important fact.

In the "Coursework Phase" (i.e. from 1995 Fall to 1998 Spring Semesters) petitioner completed the following: He earned a **3.7/4.0** grade point average, **71** graduate hours and **263** quality points. See front page of petitioner's 2000 Academic Transcript, Apx. **B** pp. 32-35. The lower Courts did **not** review those **very** important facts.

The back page of that academic transcript shows an accurate interpretation of each academic grade that petitioner earned at UK. See back page, 2000 Academic Transcript, Apx. **C**, pp. 35-37. The Courts did **not** review those facts.

In addition, petitioner earned **"S"** Satisfactory Academic Grades for each additional semester of his enrollment after the "Coursework Phase". Examples:

**(a).** In the Qualifying Examination Phase - 1998 Fall Semester, petitioner passed the qualifying examination. See front page of the 2000 Academic Transcript, Apx. **B;** p. 34.

Passing that Qualifying Examination was **very** significant for the following reasons herein quoted verbatim:

> "All degree requirements for the doctorate must be completed within **five (5) years** following the semester or summer session in which the candidate successfully completes the qualifying examination. In the event that all degree requirements are not met during that **five-year** period, degree candidates who provide evidence of the likelihood of completing the degree during an **extension** of time may be granted such an extension by the Graduate Council...".

See page 18 of the 1996-1998 UK Graduate School Bulletin on time limit for doctoral degree completion under "Doctoral Degree", Apx. **F;** pp. 38-39. Lower Courts did **not** review that particular document for the facts.

**(b).** In the "Dissertation Phase" petitioner earned 18 hours of Residency Requirements - 1998 Fall and 1999 Spring Semesters. The Courts did **not** review that fact. See front page, 2000 Academic Transcript, Apx. **B;** pp. 33-34.

**(c).** In the same "Dissertation Phase" petitioner wrote Research Proposals. That fact was **not** reviewed. See 2000 Spring **"S"** Grade Report, Apx. **B;** p. 35.

**(d).** In the same "Dissertation Phase" petitioner successfully defended his written dissertation research

proposal before members of his dissertation committee (i.e. what to study, how, when, and outcome expected). See a memo from Dr. Richard Angelo dated **October 13, 2000**, Apx. **J**; pp. 43-44. Also see 2000 Fall **"S"** Grade Report, Apx. **B**; p. 35. Those Grade Reports were **not** reviewed.

**(e).** In the same "Dissertation Phase" the University of Kentucky Institutional Review Board (IRB) approved that same dissertation proposal on December 20, 2000. The Courts did **not** that fact. See letter of approval, Apx. **K**; p. 45 - 46. See 2000 Fall **"S"** Grade Report Apx. **B;** p. 35. The Courts did **not** review that Grade Report.

**(f).** In the same "Dissertation Phase" the committee recommended that petitioner continue to analyze the 1997 Survey Data collected with the Noel-Levitz (1994) Student Satisfaction Inventory (SSI) for that 1997 Study of Undergraduate Student Satisfaction at UK. See a sample of that analyzed data, Apx. **Y (1)**; p. 65 and Apx. **Y (2)**; p. 66. The Courts did **not** review any of those facts.

**(g).** Petitioner completed his study of the Institutional Survey Data collected with Noel-Levitz (1994) SSI. See virtue of Noel-Levitz (1994) Student Satisfaction Inventory, Apx. **Y (2)** p. 66. The Courts did **not** review that fact.

**(h).** Petitioner computed student satisfaction data into (SPSS) computer file. Raw data were first entered on 11 pages of 11 in x 17 in spreadsheet. The Court did **not** review that fact. See analyzed survey data Apx.**Y (2)**; p. 66.

**(i).** Petitioner analyzed data. See 2001 Fall **"S"** Grade Report Apx. **B;** p. 35. The Courts did **not** review that fact.

**(j).** In the Dissertation Defense Phase, petitioner wrote the first 195 pages of his research report (or dissertation) dated February 27, 2001 from over one thousand (1000) pages of his analyzed satisfaction data and submitted that report to his committee through Dr. Angelo.

(R12, 2nd Amd. Comp. p. 13 para. 44). The Courts did **not** review those facts. See Apex. Y (1), p. 65 and Y (2), p. 66.

**(k).** Consistent with respondents' policy on page 2, item 20 of the "EPE Doctoral Program Guidesheet" petitioner requested to meet face to face with his committee to discuss his report dated February 27, 2001. The Court did **not** review that rule or regulation. See Apx. **N**; p. 52.

Dr. Richard Angelo refused petitioner's request to meet with the committee. Dr. Angelo summarized that 195 page-report (or dissertation), in a four-page memo dated March 25, 2001 and gave the memo to petitioner. See page 4 of that **March 25, 2001** Memo Apx. **Q**; p. 57. Thereafter, petitioner revised that 02/27/2001 report.

**(ι).** In the "Dissertation Defense Phase" petitioner submitted his revised 2/27/2001-report (dissertation) on 04/30/01 to his committee through Dr. Richard Angelo. It contained 213 pages. At that point petitioner was entitled to revise that 04/30/01 report. See Apx. **F**, pp. 38-39.

It was respondents' rule or regulation or policy to guide petitioner's research and study to its completion. See p. 7 of 2000-2002 UK Graduate School Bulletin Apx. **G**; p. 39 - 40. The Courts did **not** review that important fact.

"Dissertation Defense" was the last academic phase in that doctoral degree program. Review item 20 of the "EPE Doctoral Program Guidesheet" policy that reads: "After finding a time when you and all members of the committee can meet, notify the DGS office". See Apx. **N**; p. 52.

Petitioner requested for a time to meet with his committee. See petitioner's letter dated May 14, 2001 in the Apx. **Y (4)**; pp. 68-69. The Courts did **not** review that fact.

It was respondents' rule or custom to provide adequate guidance as stated herein. "Full members of the

Graduate Faculty are particularly responsible for: 1. Guidance of graduate student research and study to its completion." (R12, p. 18, para 63). See page 7 of the 2000 - 2002 UK Graduate School Bulletin in the Apx. **G**; p. 39. Courts did **not** review that fact.

Petitioner's paperwork to the UK Graduate School to schedule a time for him to defend a dissertation could have taken place in Summer 2001 if the committee had chosen that option over termination. See Marilyn Lyons (Student Affairs Officer at UK) dated 08/02/2001, Apx. **Z (1)** pp. 71-72. Courts did **not** review that important fact.

Petitioner's 04/30/01-revised report, was the only revision the committee allowed him to make (R12, p. 24, para 80). Petitioner had over 2 years of eligibility remaining in the program. See page 18 of the 1996-1998 UK Graduate School Bulletin under "Doctoral Degree" for time limits to complete the degree requirements Apx. **F**; p.38-39. (R. 12, 2nd. Amend. Comp. p. 17, para. 59). The Courts did **not** review that important fact on eligibility requirements.

On May 6, 2001 respondents graduated the petitioner and did not allow him to complete the revision and to defend his dissertation. Dissertation defense is critically important for professional practice and for advancement in academic life. Respondents graduated this petitioner without it. See petitioner's graduation, his name, his degree type and title of his written report (dissertation) on page 18 of the *"One hundred thirty-fourth annual COMMENCEMENT University of Kentucky, Lexington, Sunday, May Sixth, two thousand and one"*. The Courts did **not** review those important facts. See that graduation in Apx. **E**; p. 38; and Apx. **Y (3)**; p. 67.

Petitioner's name and degree type were also published in a web site. View this proof at www.google.com under Amaechi the Graduate School. Also, see copies of

computer printout from respondents' web site, Apx. Y (3); p. 67. Petitioner's 2001 Spring Semester **"S"** Grade Report on 05/08/2001 was issued two (2) days after his graduation. See a copy of that **05/08/2001 "S"** Grade Report, Apx. **B**; p. 35. The Courts did **not** review that fact.

Whether graduating a student from a degree program by depriving that student equal educational opportunity to complete an important requirement for that degree is a violation of that student's Equal Protection Clause protected by the Fourteenth Amendment, and under 42 U.S.C. § 1983?

Respondents are still withholding petitioner's Doctor of Education (Ed. D.) degree after his graduation and without a hearing or a reason given for withholding that degree. Whether withholding a student's degree without a hearing despite the fact that the student does not owe a cent is arbitrary and capricious? Whether withholding a student's degree deprives the student the benefits of that degree and a violation of that student's right to Equal Protection protected by the Fourteenth Amendment to the United States Constitution and under 42 U.S.C. § 1983 and § 2000d?

On November 21, 2001 respondents terminated the petitioner from the same degree program without following their policies and customs prescribed for termination. In fact for a student to be in danger of termination at the University of Kentucky (UK) he/she must fall into these three (3) categories: See Apx. **M**, pp. 47-48.

**(1).** Scholastic probation for three enrolled semesters. Petitioner was not on probation as evidenced in petitioner's academic transcripts and grade reports.

**(2).** Having failed twice for three enrolled semesters. Petitioner did **not** fail twice for any enrolled semester at the University of Kentucky (UK) or at any university before UK.

**(3).** In cases where the student's Advisory Committee recommends termination after the qualifying examination has been passed... See respondents' rule for termination on page 18, of 2000-2002 UK Graduate School Bulletin, Apx. M; pp. 47-48. The Courts did **not** review that rule.

In fact respondents' issued the "EPE Doctoral Program Guidesheet" to petitioner at the time of his enrollment. That document did **not** contain any information on termination. See "EPE...Guidesheet" Apx. N; pp. 48-53.

Respondents graduated petitioner on May 6, 2001. On **May 16, 2001** petitioner met with committee to receive guidance on his 04/30/2001-revised dissertation. (R.12 2nd. Amd. Comp. p. 14, para. 49) but instead, termination was recommended at that meeting. See Apx. **Y (5)**, pp. 69-71.

At that same meeting on 5/16/2001 petitioner gave to the committee through Dr. Richard Angelo his written request for the type of guidance he needed from the committee as was requested. See Apx. **Y (4)**, pp. 68-69.

Respondents did **not** have any regulation or rule or policy for termination after a student had already been graduated. See 2000-2002 UK Graduate School Bulletin Apx. M; pp. 47-48. The Courts did **not** review that fact.

Respondents did **not** have any rule or regulation for termination after a student had written a dissertation proposal and passed that dissertation proposal defense. See that UK Grad. Sch. Bulletin Apx. **M**; pp. 47-48

Respondents did **not** have any rule or regulation for termination after a student had written a report (dissertation) or to terminate any student after only one chance to revise that dissertation. In fact respondents terminated the petitioner under those new and different termination conditions created specifically for the petitioner. See Apx. **M**; pp. 47-48.

In fact, respondents terminated petitioner after the petitioner's **04/30/2001**-research report exposed deceptive truisms of "performance gap scores". See Apx. Y (2) p. 66. Its "scores" are currently in use in Kentucky schools and in schools across our nation. Petitioner recommended a better approach to satisfaction analysis through a Student (S1) - Environment (E) - Satisfaction (S2) paradigm that he developed and used for his study. They were **not** reviewed.

Do academic institutions have the First Amendment Academic Freedom to violate a student's Constitutional and Civil Right? Rather than acknowledge petitioner's academic performance and discovery, respondents terminated him and did not specify a particular reason upon which termination was solely relied. "Performance Gap Scores" destroy the basic center for scientific method of investigation (i.e. mean). See Apx. Y (2) p. 66. The Courts did **not** that fact.

Respondents' did **not** follow their board rules on details for conducting hearings during the only petitioner's appeal hearing on 11/09/01. According to petitioner's board rules, "The accused student shall be informed in writing of the reasons for appearance before any judicial agency with sufficient particularity and in sufficient time to insure an opportunity to prepare for the hearing". See Section 2:33 Apx. H; p. 40. Respondents did **not** follow that basic hearing procedure. The Courts did **not** review that fact.

It was respondents' rule that "Only *impartial* members of the judicial agency shall sit in judgement of any case". See page 17 Section 2:37 of the respondents' 2000-2003 Code of Student Conduct, Apx. H; p. 40. In fact only the EPE Graduate Faculty recommending termination sat in judgement of petitioner's termination. The Courts did **not** review that important fact on partiality of the EPE Faculty.

It was the respondents' rule or policy or custom that "All students shall be guaranteed a fair hearing in all proceedings of all judicial agencies". See page 16 Section 2:31 of that 2000-2003 Code of Student Conducts, Apx. H; p. 40. The Courts did **not** review that fact.

At that hearing respondents did not present any of their 39 Exhibits upon which recommendation to terminate was solely relied. The Courts did **not** review that fact.

Petitioner did not have a fair hearing. See sworn Affidavit dated 8/23/03 by (Hon. Linda J. West outside observer), Apx. I; pp. 41-43.

On November 21, 2001 respondents terminated petitioner's candidacy and enrollment and did **not** state a particular reason for his termination. See Dr. Douglass S. Kalika's letter Apx. L. pp. 46-47. See Dr. Thomas Janoski's testimony Apx. Z (3); pp. 76-77 as facts **not** reviewed.

After every effort to resolve those issues had failed, petitioner filed a Civil Action suite No. 02-241-JMH with the U.S. District Court, for Eastern District of Kentucky, Lexington, (R.12 Docket Sheet - U. S. District Court Amaechi's - Second Amended Complaint).

This case was moving to a speedy hearing and to a speedy trial by jury. Suddenly, Judge Joseph Hood (1970-72 graduate of UK Law School. See Apx. U; p. 62), stopped all proceedings in this instant case. See Apx. T; pp. 61-62.

Defendants-appellees-respondents did **not** disclose any of their exhibits for the trial, but received **130 exhibits** from petitioner in response to request for production of documents. Respondents also took petitioner's depositions on December 12, 2002 and on January 8, 2003. When petitioner *requested* to take deposition from Dr. Anglo and Dr. Michael T. Nietzel respondents *denied* that request.

Dr. John J. Harris III [Department of Educational Administration and Supervision, 129 Taylor Education Building, University of Kentucky, Lexington, Kentucky, 4506-0017. (859) 257-6169] also testified. When questioned about their rate of graduation of minorities he responded:

Q. "And how many minorities and blacks does it show receiving a degree during the year 1998/1999? Harris depo p. 36; Para. 4-7.

A. **"Zero (0)"**. Testimony **not** review. Dr. Harris's depo. p. 36; Para. 8.

Dr. Thomas E. Janoski [Caucasian - Sociology Department, 1571 Patterson Office Tower, University of Kentucky, Lexington, Kentucky 40746-5191. (859) 257-4418] testified. He served on petitioner's doctoral dissertation committee and worked closely with the petitioner. When questioned about petitioner's academic progress in the dissertation and dissertation defense phases Dr. Janoski replied as follow:

Q. "Isn't it true, Dr. Janoski, that you told Mr. Amaechi that his dissertation was **60** to **75** percent completed"? Janoski's depo. p. 12; Para. 5-7.

A. **"Yes"**, in the sense that, as a whole, it was. I think it was **60 to 75** percent completed". Dr. Janoski's depo. p.12; Para. 8-10 Apx. **Z (3)** p. 78. That testimony and others like it were **not** reviewed by prior Courts in this instant case.

When questioned about how a chair of a dissertation committee is chosen at the University of Kentucky, Dr. Janoski testified as follows:

Q. "Right. And normally the chair of a doctoral candidate's dissertation committee is a person that that candidate selects.." See Dr. Janoski's deposition, p. 43; Para. 12-14. Fact **not** reviewed

A. "Yes". See Janoski's depo. p. 43; Para. 15.

When questioned about the number of times a student had to re-write a dissertation before scheduling a defense? Dr. Janoski responded as follow:

Q. Dr. Janoski, "..number of times a student had to re-write their dissertation..? P. 14; Para. 1-8.

A. **"Six times".** See Janoski, p. 14, Para. 9, **Apx.** Z (3) ; pp. 76-78 They were **not** reviewed.

When questioned about petitioner's ability to follow directions , Dr. Thomas Janoski responded as follow:

Q. "Did you have any problems as far as Mr. Amaechi not following directions or your directions"? Janoski's depo. p. 20; Para. 19 – 21. It was **not** reviewed.

A. "In my class he followed directions very well, followed directions cheerfully, and there was absolutely no problem in my class". See Janoski's depo. p. 20; Para. 22-25.

When questioned about the petitioner's attitudes Dr. Janoski responded as follow:

Q. Okay. Dr. Janoski, did you find Mr. Amaechi a difficult candidate to work with?

A. "NO"

Q. Did you find him argumentative?

A. "No.

Q. Confrontational?

A. "No."

Dr. Janoski p. 39; Para.14-18.

During Dr. Janoski's deposition, Mr. Wayne Roberts (petitioner's former attorney) **reminded** Mr. Robert Roark (respondents' attorney and a 1989 graduate of UK Law School; See Apx. V. p. 63) that Dr. Angelo's memo to petitioner dated **March 25 2001** was not copied to anyone. Mr. Roark responded:

Q. **"Mr. ROARK: -- the committee was not copied, at least on the letter itself"**. Dr. Janoski's depo. p. 30; Para. 2-4.

A. **"MR. ROBERTS: Right. Right."** Dr. Janoski's depo. p. 30; Para. 5. The Courts did **not** review that transcript.

Dr. Shirley C. Raines, President of the University of Memphis, 201 Administration Building, Memphis, Tennessee 38152 who also served on the petitioner's committee testified. When questioned about petitioner's opposition to having Dr. Angelo for advisor she responded:

Q. "Were you aware that Mr. Amaechi wrote several letters opposing Dr. Angelo becoming his chair?" Dr. Raines', depo. p. 39; Para. 2-4.

A. "I didn't know he wrote several. **I know there was opposition to him becoming his chair"**. Dr. Raines, depo. p. 39, Para. 5-6. The Courts did **not** review that important testimony.

When asked about petitioner's attitudes towards her. Dr. Raines responded:

Q. "... plaintiff, Mr. Amaechi. In your interaction with Christopher Amaechi, did you find him to be confrontational? Para. 15-16

A. "With me, no." Page 14; Para. 17.

Q. "Do you find him to be uncooperative?" at 18.

A. **"No".** Raines depo. p. 13; Para. 19.

When asked question about racial tensions between Dr. Richard Angelo and the petitioner. Dr. Raines responded:

Q. "Okay. So in light of my question, would it be fair to say that Mr. Amaechi expressed to you that he was being treated differently because of his race"? Raines' depo. p. 41; Para 24-25; p. 42; Para. 1.

A. "He expressed concern. He didn't say I am being treated differently. I think he expressed concern about it". Raines depo. p. 42, para. 2-4. Her testimony was **not** reviewed.

Dr. Raines' deposition was completed on 05/13/03. On 07/07/03 defendants - appellees - respondents submitted (R. 19 Defendants' Memo in Support of Defendants Motion for Summary Judgement, Exhibits #1-to-39) their exhibits. All of which were entered into evidence.

Surprisingly, Judge Joseph Hood awarded Summary Judgement in favor of the defendants - appellees - respondents and did **not** review any of complainant's - appellant's - petitioner's **125 exhibits**. Among those are his **44** facts and **12** testimonies on pages 1 through 16 of this statement of the case prescribed herein as **not** reviewed.

Thereafter, petitioner discovered that respondents had **tampered** with the crucial evidence in **dispute** dated **March 25, 2001** and submitted it into evidence as proof of the so-

called petitioner's "unsatisfactory work product" in support of defendants' Motion for Summary Judgement. See Defendants Exhibit # 28, Apx. R; pp. 57-58 copied to others.

The original document was **not** copied to anyone. See original document dated March 25, 2001, Apx. Q; p. 57. The Courts did **not** review that original document.

Thirty (30) of the thirty-nine (39) [R. 19] exhibits or **76.92%** of defendants' exhibits presented in support of their Motion for Summary Judgement were from members of the **EPE Faculty** who recommended petitioner for termination. The same EPE Faculty also sat in judgement for his termination. Seventeen (17) of those thirty (30) exhibits or **56.66%** were from **Dr. Richard Angelo** with whom petitioner did not want to have as an advisor. Four (4) of the thirty-nine (39) exhibits or 10.25% were from the university.

Respondents withheld their documents for the trial from petitioner but used five **(5)** of one hundred and thirty **(130)** of petitioner's exhibits or 3.85% of the 130 exhibits. The Courts did not enter into the Docket Sheet any of petitioner's **125** exhibits (i.e. **96.15%**) critical to this case.

Those facts herein stated are genuine and material to this case. The United States District Court decided this case without reviewing any of plaintiff's-appellant's-respondent's **125** crucial exhibits and without a hearing or a trial.

**Review of Judgement of the United States District Court**

The District Court reviewed defendants'- appellees'-respondents', distorted facts, speculations and the tampered exhibit crucial to the outcome of this case, without a hearing or a trial and reasoned with the defendants as follow:

"Defendants fully informed the plaintiff

of the faculty's dissatisfaction with his

performance, that plaintiff should have been aware of the danger this posed to his continued enrollment, and that the ultimate decision to dismiss the student was careful and deliberate. Therefore, the Court holds that the process by which the Committee recommended Plaintiff's dismissal and the University's acceptance of that recommendation, afforded Plaintiff as much process as he was due".

See Appellees Final Brief at 30-31. (R. 36 Opinion and Order Granting Summary Judgement entered 09/30/2003, Apx. T; pp. 61-62.

On 11/03/03 the appellant - petitioner filed an appeal under CHRISTOPHER N. AMAECHI (Plaintiff – Appellant) v. UNIVERSITY OF KENTUCKY, *College of Education, et al.,* Defendants – Appellees.

The question was "whether or not genuine issues of material fact exist precluding summery judgement?" Appellant - petitioner expected justice from the Court.

Petitioner's expectation at best was that the U.S. Court of Appeals for the 6th. Circuit would refer the case back to the U.S. District Court so to give petitioner equal opportunity to present his **125 exhibits** including the factual disputes that affected the outcome of the case. (i.e. **Defendants Exhibit # 28** that defendants tampered with and submitted into evidence in support of their Motion for Summary Judgement). Appellant's Proof Brief (R 6/16/04; Docket p. 5 para. 2); and Appellant's Final Reply Brief (R. 6/16/04; Docket p. 5 para. 11) questioned Summary Judgement in favor of defendants-appellants-respondents.

Petitioner also expected for a chance to have a hearing and trial by jury at the U.S. District Court and he did **not** receive it. Petitioner requested for oral argument and respondents waived it.

The U.S. Court of Appeals for the 6th. Cir. advised through petitioner's counsel that petitioner's exhibits would **not** be presented if the documents were **not** recorded in the U.S. District Court's Docket Sheet and if appellants' request for oral argument was granted.

Appellant waived oral argument as he was carefully advised by his counsel. His counsel used "Final Proof Brief" in part for oral argument. Only the defendants-appellees' 39 exhibits informed the Joint Appendix entered 5/25/04 and precluded petitioner's 125 exhibits.

**Review of Judgement of United States Court of Appeals**

The United States 6th. Circuit Court decided this CHRISTOPHER N. AMAECHI (Plaintiff- Appellant) v. UNIVERSITY OF KENTUCKY, College of Education et. al, Defendants – Appellees, case based on prior decisions of the United States District Court and on the same prior facts reviewed. See **ORDER:** U.S. 6th. Circuit of Appeals entered on 12/06/2004, p. 1-3, and **not signed**. Apx. S; pp. 58-61. **"NOT RECOMMENDED FOR PUBLICATION"**

That decision brings this Civil Action on "Petition for a Writ of Certiorari" to the U.S. Supreme Court pursuant to U.S. Supreme Court Rules 10 (c); Rule 14 and Rule 33.1. The United States Court of Appeals for the Sixth Circuit has decided important questions of federal law that have not been decided, but can be settled by the Supreme Court of the United States. In addition, that Court decided an important federal question in a way that conflicts with relevant decisions of the Supreme Court of the United States.

## ARGUMENT

Petitioner presents his argument in these content areas: A). Citizenship right to public education in Kentucky. 1). Procedural Due Process, 2). Equal Protection Clause, 3). Substantive Due Process, 4). Due Process and the Hearing on Termination. 5). Summary Judgement, and 6). Conclusion.

### A. Citizenship Rights to Public Education in Kentucky.

Appellees-respondents had asserted in their Motion for Summary Judgement that "plaintiff does not have a constitutional or federal statutory right to be enrolled or maintain enrollment in the doctoral program in the EPE Department at the University of Kentucky". Ref. Corrected Appendix entered 5/25/04 at 96.

This petitioner disagrees with respondents' negative assertions. Petitioner is a citizen of the United States and of the State of Kentucky in which he and his family reside. He owns property in Kentucky and pays property taxes. He is a member of the minority group. He contends that Kentucky Constitution affirms that "a child's right to an adequate education is a fundamental one under our constitution". It also affirms that the State has undertaken to provide education as "a right which must be made available to all on equal terms". See, FNI. Ky. Const. Sec. 183; 347 U.S. 483, 493, 74 S.Ct. 686, 691, 98 L.Ed 873 (1954). That language is implicated in a landmark case: Brown v. Board of Education of Topeka (11) 349 U.S. 294, 75 S.Ct. 753, 99 L.Ed. 1083 (1955) giving petitioner the constitutional right and making public education in Kentucky his property right and his liberty to participate in. Those rights to education are also implicated in the language of the Federal Statutes 42 U.S.C. § 1983, and § 2000d, and in the U.S. CONST. Amendment XIV (14) giving him the right to public education.

Accordingly, the Supreme Court expanded its view in education to acknowledge that education is more than "some governmental benefits indistinguishable from other forms of social welfare legislation". See Plyler v. Doe 472 U.S. 202, 221, (1982), 457 U.S. 202 (1982). In addition, Kentucky Statute KRS 161.028, 161.165 (1994) affirms that recruitment and retention of minority students and professionals in higher education in the State must be made available to citizens of the State of Kentucky on equal terms.

**1. Procedural Due Process**

To prove "Procedural Due Process" violation one must show that an appropriate procedure for the hearing was not applied. See Matthews v. Eldridge 424 U.S. 319 (1976) on termination of Social Security benefits.

In this case at bar, respondents imposed Dr. Richard Angelo on petitioner to chair his dissertation committee and against petitioner's oppositions to that imposition. That imposition was a deviation from respondents' established rule or regulation or policy by which every student enrolled in the same doctoral degree program chose a chair for his/her dissertation committee. There was neither a hearing nor a notice for one on that imposition hence a violation occurred.

Respondents and the Courts have not answered any question on that imposition. Respondents' response has been "there was no such policy stating that student choose their chair". Ref. Appellees' Final Brief at 4. But there was, it is herein stated verbatim: "Based on your background, career goals, research interests, and "personal chemistry," you ask a professor to serve as your Major Professor and chair of your committee". Policy or "formal rules of understanding - often but not always committed to writing that are intended to, and do establish fixed plans of action to be followed under

similar circumstances consistently and over time". See, Pembaur, 475 U.S. at 480-81. The petitioner has property right to public education in Kentucky. He also has the liberty to choose an academic advisor. See Ruckelshaus v. Monsanto Co. 467 U.S. 986 (1984). He must not be denied the right to choose an academic advisor without "Due Process" of law. And was denied his freedom to choose when respondents imposed Dr. Richard on him against his oppositions to that imposition. There was no hearing or notice for a hearing. In a case similar to this at bar, the Court held that because Ohio had chosen to extend the right to an education to its citizens, it could not withdraw that right "on grounds of misconduct absent fundamentall fair procedures to determine whether the misconduct [h]ad occurred". See Goss v. Lopez 419 U.S. 565 (1975). Based on those circumstances the petitioner maintains that respondents violated his rights to "Procedural Due Process".

**2. Equal Protection Clause**

The Equal Protection Clause provided that no state shall "deny to any person within its jurisdiction the equal protection of the laws". See U.S. CONST. Amendment XIV § 1. To establish a claim of race discrimination under the Equal Protection Clause, the plaintiff-appellant-petitioner must demonstrate this fact. Whether the petitioner was treated differently than non-minority students. See Soper v. Hoben, 195 F. 3d 845, 852 (6th Cir. 1999). There has not been a hearing or notice for a hearing on the issues surrounding petitioner's graduation from the University of Kentucky on May 6, 2001.

Respondents graduated the petitioner from the Doctor of Education Degree (Ed. D.) program on May 6, 2001 and did not allow him to finish a requirement critically important

for advancement in that academic field (i.e. finish revising his written research report or dissertation and to defend it). But the same respondents allowed non-minority students to finish that same requirement before they were graduated. Those deliberate treatments violated petitioner's right to Equal Protection. See, Soper v. Hoben, 1995 F. 3d 845 852 (6th Cir. 1999).

Petitioner had over two (2) years of eligibility remaining in the doctoral degree program after he was graduated and respondents did not allow him to finish with his revisions within that time period. But those same respondents allowed non-minority students to apply for extension of time when necessary.

Respondents gave the petitioner only one chance to revise his dissertation research. But those same respondents gave non-minority students at least six chances to revise their dissertation research. See Janoski's depo. p. 14 at 9. Because respondents singled the petitioner out and treated him differently than non-minority students he contends that those treatments violated his rights to Equal Protection under U.S. CONST. Amendment XIV (14) § 1. See Soper v. Hoben, 195 F. 3d 845, 852 (6th Cir. 1999).

Because the University of Kentucky is a State institution and receives State and Federal Financial Assistance, respondents should be accountable for their actions in this instant case. See 42 U.S.C. § 2000d. The University of Kentucky is an academic institution and does not have the First Amendment academic freedom to violate petitioner's Civil Right. See Powell v. Syracus, 580 F. 2d 1150, 1153-54 (2d Cir). Cert. denied 439 U.S. 984 (1978). Ruling: "that judicial precedent, which made colleges and universities "virtually immune to charges of employment bias, ...was never intended to indicate that academic freedom embraces the freedom to discriminate".

**3. Substantive Due Process**

Substantive Due Process protects specific fundamental rights of individual's liberty and property from deprivation at the hands of arbitrary and capricious government action. *See* Gutzwiller v. Fenik, 860 F. 2d 1317, 1328 (6th Cir. 1988). Where a State had chosen to extend the right to public education to all its citizens on equal terms public education becomes individual's property right. See Goss v. Lopez 419 U.S. 565 (1975). See Rose v. Council for Better Ed. Inc. 790 S. W.2d 186, 60 Ed. Law Rep. 1289 ('89)

Respondents knew that the State of Kentucky declares its citizen's right to adequate education a fundamental one under its Constitution. See, FNI. Ky. Const. 183; 347 U.S. 483, 493, 74 S.Ct. 686, 691, 98 L.Ed 873 (1954). Yet, respondents gave petitioner only one time to revise his dissertation but gave non-minority students enrolled in the same degree program six times to revise their dissertation before graduation. See Janoski's depo. p. 14 at 9. By subjecting petitioner to only one revision, respondents deprived him of his right to equally participate in something pertinent to life or liberty. See Grutter at 2339. See 28 U.S.C. § 41 (1)(11)(14) and also see Rice v. Elmore, C.C.A.S.C (1947), 165 F. 2d 387, and Certiorari.

Respondents knew that petitioner was revising his dissertation as part of the graduation requirement but graduated him and withheld his degree and did not allow him to complete the educational process required for advancement in the academic field. Respondents' actions in those circumstances were inconsistent with their established rule for graduation and humiliated the petitioner and therefore capricious. The United States Supreme Court has ruled on this issue of "Mean" that a law "should not be unreasonable, arbitrary or capricious. See Nebbia v. New York, 291 U.S. 502 (1934).

Respondents willfully, intentionally, unreasonably and arbitrarily published petitioner's degree title, his research topic and his name in their public records as a recipient of the Doctor of Education (Ed. D.) degree, and in the Internet at www.google.com. That practice was inconsistent with respondents' established graduation policy and capricious.

On May 16, 2001 respondents invited petitioner to a meeting purposed for him to receive guidance. At that meeting he received a letter from Dr. Angelo dated May 14, 2001 for termination without a hearing and was subjected to humiliation and ridicule. That treatment was inconsistent with respondents' rule or regulation or policy and capricious.

Withholding petitioner's degree without a hearing or notice for a hearing on that issue after he was graduated is also capricious. In all of the above circumstances petitioner was singled out for disparate treatments with deliberate indifference to respondents' regulation or rule or policy.

Petitioner maintains that those capricious treatments he received based on respondents' rule or custom violated his rights to Substantive Due Process. See 42 U.S.C. § 1983; See Pembaur v. City of Cincinnati, 475 U.S. 469, 480-81 (1986); Gant v. Willingford Bd. of Educ., 195 F. 3d 134 140 (2d Cir. 1999); Murrell v. School District No. 1, 186 F. 3d 11238, 1250 (10th Cir. 1999); and Sargi v. Kent City Bd. of Educ. 70 F. 3d 134, 907, 911-12 (6th Cir. 1995). See Gant, 195 F. 3d at 141, Doe v. Claiborne County, 103 F. 3d 495 (6th Cir. 1996). Doe v. Claiborne Co. 103 F. 3d at 508.

**4. Due Process and the Hearing on Termination**

Respondents' bone of contention is "that petitioner was unable to perform academically and in accordance with the University of Kentucky's rules and regulations". See

Appellees' Final Brief at 23. Those respondents' statements lack credibility. Respondents are yet to provide a reasonable defense for their actions against this petitioner.

Respondents graduated this petitioner from the same Doctor of Education (Ed. D) degree program on May 6, 2001 because petitioner maintained a **3.7/4.0** grade point average and Satisfactory **"S"/"S"** Grades throughout his periods of enrollment ending **05/08/2001** after May 6, 2001.

Petitioner was terminated after he had discovered that performance gap scores undermine outcomes of education in our nations' schools including the University of Kentucky and had developed his Student (S1) - Experience (E) - Satisfaction (S2) paradigm and viewed outcomes of education through his paradigm without undermining the same outcomes of education.

Respondents knew the importance of their rules and regulations but did not introduce any of them into evidence for review. But instead created new and different graduation and termination rule or regulation or policy or custom and/or tradition specifically for the petitioner without a hearing or notice for a hearing.

According to respondents' policy, "Full members of the Graduate Faculty are particularly responsible for: 1. Guidance of graduate student research and study to its completion" See 2000-2002 UK Graduate School Bulletin p. 7. Respondents rushed to terminate rather than fulfill their responsibility towards this petitioner. The Courts have ruled that "educational process is not by nature adversary; instead it centers around a continuing relationship between faculty and students, "one in which the teacher must occupy many roles – educator, advisor, friend, and at times parent-substitute". See Barnard v. Inhabitants of Shelburne, 216

Mass. 19 102 N.E. 1095 (1913). In the case at bar, respondents did not have that relationship with the petitioner.

Respondents did not follow their procedures prescribed for a hearing on termination. The board rules prescribed details for conducting the hearing and must be strictly followed or the hearing will be nullity and any action based on it void. See Wells School District v. Stewart 18 Arizone, App. 499 P. 2d 750 (1972). See Ambrose v. Community Sch. Bd. No. 30 48 A.D. 2d 654, 367 N.Y.S. 2d 550 (1975). Charges must be specific enough for the Complainant to respond. See Powell v. Board of Trustees of Cook County School District No. 1 550 P. 2d 112 (Woy. 1976) but Defendants' charges were **not** specific. All evidence relied upon for recommending termination must be presented at the hearing. See Haddock v. Bd. of Educ. Unified School District No. 462 Crowley County 233 Kan. 66, 661 P. 2d 368 (1983). Defendants did not bring any evidence to the hearing. Board must not consider charges beyond those of which the Complainant has been properly informed before the hearing. See Turk v. Franklin Special School District 640 S.W. 2d. 218 (Tenn. 1982). Respondents charged petitioner for unsatisfactory academic performance after this lawsuit was filed. The record of the hearing must indicate what evidence was relied upon to establish the findings. See Kinsella v. Bd. of Educ. of Central School District No. 19, 294, 357, 657 P. 2d 188 (1982). There was no record of the hearing until after this initial suit was filed.

**5. Summary Judgement - Inappropriate**

Summary Judgement was totally inappropriate. The pleadings, depositions, answers to interrogatories, and admissions, on file together with affidavit show that there are genuine issues of material facts and the moving party is **not**

to be entitled to judgement as a matter of law. See FED R. CIV. P. 56(c). The moving party has not shown that the non-moving party lacks evidence to support an essential element of this case. The non-moving party has significant probative evidence to debunk Summary Judgement. See Moore v. Philip Morris Cos., 8 F.3d 335, 340 (6th Cir. 1993).

The moving party has to show that the non-moving party lacks evidence to support an essential element of its case. See Celotex Corp. v. Cetrett, 477 U.S. 317, 322.23 (1986). See Barnhart v. Pickret, Schaeffer and Ebeling Co. 12 F. 3d 1382, 1388-89 (6th Cir. 1993). Petitioner's 125 exhibits have not been reviewed. Summary Judgement does not lie if the dispute is about a material fact that is genuine that a reasonable jury could return a verdict to non-moving party if evidence is reviewed. See Anderson v. Liberty Lobby, Inc. 477 U.S. 242, 248 (1986). See, Matsushita Elec. Indus. Co. v. Zenith Radio Corp. 475 U.S. 574, 587 (1986).

Respondents have cited the following cases below in support of their Motion for Summary Judgement: Wilson v. Illinois Benedictin College, 445 N.E. 2d 901 (1983); Board of Curator of University of Mo. V. Horowitz, 435 U.S. 21, 106, S. Ct. 507, 88 L.Ed. 2d 532 (1985); Megenity v. Stenger, 27 F. 3d 1120 (6th Cir. 1994); Reagents of the University of Michigan v. Ewing, 106 S.Ct. 507 (1985); Youngberg v. Romeo, 457 U.S. 307 (1982) at 323, Ewing at 513; Carten v. Kent State University, 282 F. 3d 391 (6th. Cir. 2002). Horowitz, Supra, in Megenity v. Stenger, 27 F. 3d 1120 (6th Cir. 1994).

Those cases cited by respondents are not similar to this instant case. This petitioner earned a cumulative grade point average of **3.7/4.0** throughout his periods of enrollment at the University of Kentucky. In fact the cases that respondents have cited in support of their Motion for Summary Judgement are about students with failing grades.

Petitioner's **3.7/4.0** grade point average at the University of Kentucky was equivalent to an academic grade of **A-** and it is not a failing grade. Or is it? If it is, respondents have not proved it.

This petitioner dissertation credit for each semester of his enrollment in the doctoral degree program following the completion of the coursework phase was also Satisfactory **"S"**. The Satisfactory **"S"** grade is **not** equivalent to an Unsatisfactory **"U"** grade. Or is it? If it is, respondents have not provided any evidence to refute petitioner's contention.

This petitioner was never on probation. He was never given any written or verbal warning to improve on his academic grade because there was no reason to do so.

The respondents had already graduated this petitioner from a Doctor of Education (Ed. D.) degree program on **May 6, 2001** and then terminated him from the same program on **November 21, 2001**.

Respondents have not cited a single case law to justify graduating the petitioner from his doctoral degree program and subsequently terminating him from the same degree program after broad publicity about his graduation.

## 6. Conclusion

This case involves federal questions. The United States Court of Appeals for the 6th. Circuit has decided an important question of federal law that has not been decided **(i.e. termination after graduation)** and can be settled by Supreme Court of the United States.

The United States Court of Appeals for the 6th. Circuit also decided an important federal question in a way that conflicts with relevant decisions of the United States

Supreme Court such as Grutter v. Bollinger, 123 S.Ct. 2325 (2003); and in Goss v. Lopez, 419 U.S. 565 (1975)

The United States Court of Appeals for the 6th Circuit's ruling was in error when it decided that petitioner's already earned cumulative grade point average of a **3.7/4.0** should be interpreted as a **2.0/4.0.**grade point average.

The Court's ruling was in error when it decided that petitioner's already earned Satisfactory **"S"** Grades should be interpreted as Unsatisfactory **"U"** Grades after the facts.

The lower Courts were in error when they based their rulings on exhibits containing **"disputes over facts that affected the outcome of this case".**

The lower Courts were in error when they based their rulings on respondents' exhibits that were virtually unknown to petitioner until after Summary Judgement was awarded in favor of respondents. Those unknown exhibits also include:

**a).** Defendants Exhibit #14 (R19, APP. Joint Apx. at 138). **b).** Defendants' Exhibit # 23 (R19, APP. Joint Apx. at 150). **c).** Defendants' Exhibit #24 (R19. APP. Joint Apx. at 151). **d).** Defendants' Exhibit #29 (R19, APP. Joint Apx. at 159). **e).** Defendants' Untitled Document; APP. Joint Apx. at 165. **f).** Defendants' Exhibit #35 (19, APP. g). Joint Apx. at 169). **h).** Defendants' Untitled Document, APP. Joint Apx. at. 170-172; **i).** Defendants' Exhibit #37 (R19, APP. Joint Apx. at 176).

The outcome of this instant case may set a legal precedence to the meanings of earned academic grades, college diplomas or degrees, of the education of our nation's children, and to the future of our nation through education.

Petitioner respectfully requests the Supreme Court of the United States to please grant this petition for a "Writ of Certiorari" and to render justice based on the weight of

petitioner's facts and testimonies herein identified as **not** reviewed, and upon reviewing all facts from both parties, and affidavits and appropriate cases cited, and after listening to oral arguments on the facts and testimonies.

Petitioner respectfully requests the Supreme Court of the United States to protect his Constitutional Rights by overturning the Order and Judgements of the lower Courts.

Petitioner respectfully request to be re-instated to the Doctor of Education (Ed. D.) degree program at the University of Kentucky with an entirely different Committee to have a full and fair opportunity to finish his doctoral dissertation and to graduate from the university. Courts have made similar rulings as in Shuffer v. Board of Trustees, 67 Cal. App. 3d 208 (Cal. 1977); Wong v. Reagents of Univ. of Cal., 15 Cal. App. 3d 823 (Cal.1971); Evans v. West Virginia Board of Regents; 271 S.E.2d 778 (W.Va. 1980); Healy v. Larson, 323 N.Y.S. 2d 625 (Sup Ct. 1971) aff'd, 318 N.E. 608 (N.Y. 1974); and Maitland v. Wayne State Univ. Medical School, 257 N.W. 2d 195 (Mich. 1977).

Petitioner also requests appropriate monetary relief consistent with relevant decisions of this Court for the violations of his Constitutional rights and for excluding him from the benefits of his doctoral degree since May 16, 2001.

Christopher N. Amaechi
Petitioner
P. O. Box 2371
London, KY. 40743-2371
(606) 878-2389

CASE NO. _____

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IN THE
SUPREME COURT OF THE UNITED STATES

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CHRISTOPHER N. AMAECHI

*Petitioner*

v.

UNIVERSITY OF KENTUCKY,
COLLEGE OF EDUCATION et al.

*Respondents*

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ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE
SIXTH CIRCUIT

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# APPENDIX A - TO - Z
# PETITION FOR WRIT OF CERTIORARI

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Christopher Nnamdi Amaechi
Petitioner
P. O. Box 2371
London, KY 40743-2371
(606) 878-2389

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## APPENDIX A

"THE UNITED STATES OF AMERICA

No. 21492599

CERTIFICATE OF NATURALIZATION (SEAL)

Personal description of holder as of date of naturalization

INS Registration No. A26 650 051

I certify that the description given is true, and that the photograph affix hereto is a likeness of me.

Date of Birth: September 14, 1956

Sex: Male

Christopher Nnamdi Amaechi

(Complete and true signature of holder)

Height 6 feet 2 inches

Marital Status: Married

Country of former Nationality: Nigeria

Be it known that, pursuant to an application filed with the Attorney General at: Louisville, Kentucky The Attorney General having that:

Christopher Nnamdi Amaechi

then residing in the United States intends to reside in the United States when so required by the Naturalization Laws of the United States and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such a person

having taken the oath of allegiance in a ceremony conducted by the Immigration and Naturalization Service at: Louisville, Kentucky on: February 22, 1995 that such person is admitted as a citizen of the United States of America.

_____

Commissioner of Immigration and Naturalization
DEPARTMENT OF JUSTICE"

**APPENDIX B**

CHRISTOPHER NNAMDI AMAECHI'S ACADEMIC TRANSCRIPT AT UNIVERSITY OF KENTUCKY

"Name: Amaechi, Christopher Nnamdi
Student NR: 405-11-6787
Print Date: 07/26/2000 PAGE NR: 1

ISSUED TO: ***ISSUED TO STUDENT***
Christopher Nnamdi Amaechi
P. O. Box 2371
London KY 40743-2371

REQUESTED BY: Christopher Nnamdi Amaechi
Graduate ACADEMIC RECORD

*

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**1995 Fall Semester**
Admitted Program:

Graduate School

Doctoral

Major: Educational Policy Studies and Evaluation

| Graduate Coursework | Grade | Qual. | Pts. |
|---|---|---|---|
| EPE 570 Gather/Analyze/Use/Ed/Data | B | | 9.00 |
| EPE 601 Proseminar | A | | 4 |
| EPE 602 Social Policy Issues and Edu. | A | | 12 |
| SOC 622 Topics and Methods of Eval. | B | | 9 |
| Cumulative Grade Point **Average**: | | **3.400** | **34.00** |
| **1996 Spring Semester** | | | |
| EPE 620 Ethics & Educ. Decision Making | A | | 12 |
| EPE 665 Education and Culture | A | | 12 |
| EPE 798 Seminar in Higher Education | B | | 9 |
| SOC 635 Pro Sem. Wk. Gen. & In-Equal. | B | | 9 |
| Cumulative Grade Point **Average** | | **3.455** | **76.00** |
| **1996 Second Summer Session** | Grade | Qual. | Pts. |
| EDA 641 Org/Admin/Sch/Comm/Rel. | **A** | | **12** |
| EPE 621 Adv. Tops. & Methods of Eval. | A | | 12 |
| Cumulative Grade Point Average | | **3.571** | **100.00** |
| **1996 Fall Semester** | | | |
| EPE 663 Field Studies in Education | A | | 12 |
| EPE 672 College Teaching & Learning | B | | 9 |
| SOC 661Sociology of Education | A | | 12 |
| SOC 735 Sociology of Children/Ineq. /Wk. | A | | 12 |
| Cumulative Grade Point **Average** | | **3.625** | **145.00** |

| | | |
|---|---|---|
| **1997 Spring Semester** | | |
| EDP 660 Research Design and Analysis | B | 9 |
| EPE 653 History of Higher Education | A | 12 |
| EPE 763 Advanced Field Studies | B | 9 |
| SOC 680 Methods of Social Investigation | A | 16 |
| Cumulative Grade Point **Average** | **3.604** | **191.00** |
| **1997 Fall Semester** | | |
| EPE 679 Multiple Measures Ed. & Eval. | A | 12 |
| EPE 680 Politics of Higher Education | A | 12 |
| SOC 630 Deviant Behavior | A | 12 |
| Cumulative Grade Point **Average** | **3.661** | **227.00** |
| **1998 Spring Semester** | | |
| EPE 785 Independent Studies in Ed. Policy | A | 12 |
| EPE 790 Intern. Ed. Policy Studies & Eval. | A | 12 |
| Cumulative Grade Point **Average** | **3.704** | **263.00** |
| **1998 Fall Semester** | Grad. Hrs. | Grade |
| EPE 769 Residency Credit Part I | 9 | ***"S" |
| Cumulative Grade Point Average | | "S" |
| 1998 Fall Semester | | **Grade** |
| Passed Qualifying Examination on | | 09/10/98 |
| Cumulative Grade Point **Average** | | "S" |
| **1999 Spring Semester** | Hrs. | Grade |
| EPE 769 Residency Credit Part II | 9 | |
| Cumulative Grade Point **Average** | | ***"S" |

**1999 Fall Semester**

Dissertation Phase (Developed Dissertation Topics)

Cumulative Grade Point **Average** "S"

**2000 Spring Semester**

Conducted Research Study - Wrote Dissertation Proposal

Cumulative Grade Point **Average** "S"

**2000 Fall Semester**

Successfully Defended Dissertation Proposal on 11/11/00

Cumulative Grade Point **Average** "S"

**2001 Fall Semester**

Dissertation Defense Phase; Wrote 2/27/01-Dissertation

Cumulative Grade Point **Average** "S"

**2001 Spring Semester 05/08/2001**

Dissertation Defense Phase 2/27/01-revised 04/30/2001

Cumulative Grade Point **Average** "S"

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*** Amaechi's MS and MA degree transcripts before UK**

****"S" = Dissertation residency credit"**

## APPENDIX C

ACADEMIC TRANSCRIPT GUIDE

THE UNIVERSITY OF KENTUCKY

| "Grade | Description | Quality Points |
|---|---|---|
| A+ | (College of Law Only) | 4.3 |
| A | Exceptional High Achievement | 4.0 |
| A- | | 3.7 |

| | | |
|---|---|---|
| B+ | | 3.3 |
| B | High Achievement | 3.0 |
| B- | | 2.7 |
| C+ | | 2.3 |
| C | Average Achievement | 2.0 |
| C- | | 1.7 |
| D+ | | 1.3 |
| D | Minimum Passing Grade | 1.0 |
| D- | | 0.7 |
| E | Failing | 0.0 |
| F | Failing (In Pass/Fail Course) | 0.0 |
| AU | Audit | |
| CR | Credit Awarded for AP or CLEP | |
| I | Incomplete | |
| IP | Satisfactory Work in Progress | |
| P | Passing (in Pass/Fail Course) | |
| S | Satisfactory | |
| U | Unsatisfactory | |
| W | Withdrawal | |
| *** | No Grades Submitted | |

## COURSE NUMBERING SYSTEM

| | |
|---|---|
| 500 to 599 | Junior classification required; undergraduate and graduate credit |
| 600to 799 | Graduate Classification required. |

QUALITY POINTS

**Quality Points** are equal to the number of semester hours earned times the quality points for the grade earned."

## APPENDIX D

MINIMUM GRADE POINT AVERAGE REQUIRED TO GRADUATE FROM THE DOCTOR OF EDUCATION DEGREE PROGRAM IN **EPE**

"June 08, 1995

Type of Fellowship: Lyman T. Johnson TA/RA

Department or Program: Educational Policy Studies & Evaluation.

Chair of the Department: Dr. Richard Angelo

Dear Christopher:

The Graduate School is pleased to offer you a Lyman T. Johnson Award for 1995/1996. This award is based on the recommendation of the department or program listed above, and indicates our confidence in your academic potential. This offer is contingent upon your continued enrollment and good standing in the Graduate School and the specific department or program. The relevant features and conditions of this award are as follows: (a – c = monthly paychecks)

d). All fellows, regardless of the amount of the fellowship, must be registered full-time (**nine course credits or nine hours dissertation residency credit**). Failure to abide by this requirement will result in the cancellation of the fellowship. Any

exception to this requirement must be arranged in writing in advance of acceptance of this award. An overall grade point average of at least **3.0** must be maintained.

Signed Allan G. Richard, Associate Dean

Christopher Nnamdi Amaechi Recipient. Date: 6/15/95"

## APPENDIX E

CHRISTOPHER NNAMDI AMAECHI'S GRADUATION FROM THE UNIVERSITY OF KENTUCKY

"Commencement Program One hundred thirty-fourth annual COMMENCEMENT

University of Kentucky, Lexington

Sunday, May sixth, two thousand and one

**Degree: Doctor of Education**

Christopher Nnamdi Amaechi

Major: Educational Policy Studies and Evaluation

Dissertation: "Student Satisfaction with Perceived Experiences from the Academic Services (AS) and the Non-Academic Services (NAS) at the University of Kentucky. Page 18 of that document".

## APPENDIX F

TIME LIMIT FOR DOCTORAL DEGREE COMPLETION

AT THE UNIVERSITY OF KENTUCKY

[1996-1998 UK GRADUATE SCHOOL BULETIN
Page 18.]

"**Doctoral Degree.** All degree requirements for the doctorate must be completed within five years following the semester or summer session in which the candidate successfully completes the qualifying examination. In the event all degree requirements are not met during the five year period, degree candidates who provide evidence of the likelihood of completing the degree during an **extension of time** may be granted such **an extension** by the Graduate School Council. Requests will be considered only upon written recommendation of the appropriate Director of Graduate Studies after the candidate **has again successfully completed the qualifying examination process as currently administered by the program.** (Note: Failure to pass the re-examination indicates the termination of degree candidacy.) A second re-examination is not permitted. **An extension for no more than five years may be granted."**

## APPENDIX G
ADVISORS' MAJOR RESPONSIBILITY TO STUDENT

[2000-2002 UK GRADUATE SCHOOL BULLETIN
Page 7.]

"Full members of the Graduate Faculty are particularly responsible for:

1. Guidance of graduate student research and study to its completion. The finished work should meet or exceed standards for publication, dissemination or performance

within the particular discipline and

2. Participation in the formulation of graduate curricula and policy".

## APPENDIX H

PROCEDURES FOR ALL HEARINGS AT THE
UNIVERSITY OF KENTUCKY
2000-2003 CODE OF STUDENT CONDUCT

**"§ 2.3 Rights of the Accused.** Pages 16-17.

The student shall be granted the following rights in all proceedings of the University Judicial System:

2.31 All students shall be guaranteed a fair hearing in all proceedings of all judicial agencies.

2.32 No student shall be compelled to give testimony which might tend to be self-incriminating and refusal to do so shall not be considered evidence of guilt.

2.33 The accused student shall be informed in writing of the reasons for appearance before any judicial agency with sufficient particularity and in sufficient time to insure an opportunity to prepare for the hearing.

2.34 The accused shall be entitled to receive upon request a copy of all rules and procedures governing the judicial agency at least 72 hours to appearance before the agency.

2.35 The accused student shall enjoy the right to hear and question all witnesses and to present witnesses of the student's choice.

2.36 The accused may choose an advisor to assist in all processes of the University Judicial System.

2.37 Only impartial members of the judicial agency shall sit in judgement of any case.

2.38 The accused shall have access to a permanent verbal or written transcript of every hearing of every judicial agency.

2.39 The accused student shall have the right to either an open or closed hearing. All hearings before any judicial agency shall be closed unless the accused student requests that said hearing be open. If a student desires an open hearing, the student must file a written request with the Hearing Officer at least 24 hours prior to the time set for the hearing. The Hearing Officer will then admit to the hearing, in addition to those admitted to closed hearings: one properly identified member of the working press from the student newspaper and from each established newspaper, magazine, television station or radio station requesting admission; four persons invited by the accused student; and four persons invited by the University Counsel. The Hearing Officer may order the removal of any disruptive person from the hearing.

2.310 Evidence obtained in violation of Section 2.21 (searches and seizures of persons and possessions) as a direct or indirect result of a violation of Section 2.21, in the course of a counseling session, or through other improper means shall not be admissible in any proceeding of the University Judicial System or Residence Hall Judicial System.

2.311 Failure to adhere to the procedures contained in this Code or a violation of rights of students contained in this Code shall be sufficient basis for reconsideration of the case by the appropriate judicial body."

## APPENDIX I

SWORN AFFIDAVIT OF LINDA J. WEST

"UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION
CIVIL ACTION NO.

CHRISTOPHER AMAECHI PLAINTIFF

v. AFFIDAVIT OF LINDA J. WEST

UNIVERSITY OF KENTUCKY DEFENDANT

1. I was the Human Resources Manager and General Counsel at Union College from January 2001 through June 2002.

2. I was acquainted with Christopher Amaechi both professionally and as a co-worker.

3. On November 9, 2001, I attended a hearing as an observer between Christopher Amaechi and the EPE Graduate Faculty at the University of Kentucky.

4. The purpose of said hearing was to hear the appeal of Christopher Amaechi as to the termination of his program.

**5. Although Mr. Amaechi repeatedly requested a reason for the termination, he was never given one nor was the reasoning behind the termination of his program adequately explained at the hearing.**

6. Due to the lack of participation and the reticence by the majority of the faculty present at the hearing, my personal observation as a trained human resources manager and as an attorney was that all of Mr. Amaechi's tearful

pleas and arguments would be useless and that the hearing was a waste of time.

FURTHER THE AFFIANT SAYETH NAUGHT

LINDA J. WEST
103 Liberty St.
P. O. Box 1239
Barbourville, KY 40906

COMMONWEALTH OF KENTUCKY )
)
STATE AT LARGE )

Subscribed and sworn to me a Notary Public, by Linda J. West on this the 20th day of August, 2003.

NOTRY PUBLIC
My Commission expires 7-25-07"

**APPENDIX J**

AMAECHI SUCCESSFULLY DEFFENDED HIS DISSERTATION PROPOSAL

"October 13, 2000

MEMORANDUM

To: Christopher Amaechi

From: Richard Angelo

Re: Your committee meeting on Wednesday, Oct. 11

---

**You have every reason to be pleased by the outcome of Wednesday's meeting: you now have committee approval to proceed with the dissertation. Congratulations.**

Bear in mind, however, that the committee expects to see a literature review in the final manuscript which situates your own study in the wider tradition of research on student satisfaction. (When and where, for example, does the so-called "performance gap" approach first emerge? How or in what ways did it represent an innovation on earlier studies? If you mean to go back and follow on those earlier studies are you at the same time making any innovation your self?) You also have some serious thinking to do about the best ways to organize and manipulate your data. Of course Professors Kifer and **Janoski** have agree to give you advice on this front. Once you've worked out the relevant methodological issues with them, it would be best for all of us, I think, if you drafted a memo explaining how you plan to proceed. (Professor Kifer tells me he has already written to Connie Christian-Ray on your behalf. The computer file you'll need to work most efficiently with the data will be in your hands shortly.)

Congratulations once again.

Cc: Student file."

## APPENDIX K

## UK INSTITUTIONAL REVIEW BOARD APPROVED AMAECHI'S DISSERTATION PROPOSAL

Research and Graduate Studies
Office of Research Integrity
315 Kinkead Hall
Lexington, KY 40506-0057
(859) 257-9428

### EXEMPTION CERTIFICATION

MEMO: Christopher Amaechi

FROM: Institutional Review Board
c/o Office of Research Integrity

SUBJECT: Exemption Certification for Protocol No. 00-0720-X4L

DATE: **December 20, 2000**

On December 20, 2000, it was determined that your project entitled, Undergraduate Student Satisfaction with Perceived Experiences from the Academic Services and the Non Academic Services at the University of Kentucky, meets federal criteria to qualify as an exempt study.

Because the study has been certified as exempt, you will not be required to complete continuation or final review reports. However, it is your responsibility to notify the IRB prior to making any changes to the study. Please note that changes made to an exempt protocol may disqualify it from exempt status and may require an expedited or full review.

**The Office of Research Integrity will hold your exemption application for five years.** Before the end of the fifth year, you will be notified that your file will be closed and the application destroyed. If your project is still ongoing, you will need to contact the Office of Research Integrity upon receipt of that letter and follow the instructions for completing a new exemption application. It is therefore, important that you keep your address current with the Office of Research Integrity.

If you have any questions, please contact the Office of Research Integrity at 859-257-9428.

0015R"

## APPENDIX L

THE LETTER FOR AMAECHI'S TERMINATION
NOVEMBER 21, 2001

**"November 21, 2001**
Mr. Christopher Amaechi
P. O. Box 2371
London, KY 40743-2371

Dear Mr. Amaechi,

As you are aware, on May 9, 2001 your doctoral advisory committee in the Educational Policy studies & Evaluation (EPE) graduate program voted to recommend the termination of your enrollment in the program. Based on this recommendation, and according to the rules of the Graduate School as published in the Graduate Bulletin, a quorum of graduate faculty in the EPE program met on August 27, 2001 to vote on this recommendation. The vote of the faculty

concurred with the recommendation for termination. As prescribed in the Graduate Bulletin, you were then given an opportunity to appear before the graduate faculty of the program, and this meeting took place on November 9, 2001. The faculty voted a second time on the advisory committee's recommendation at the conclusion of that meeting. The result of this second vote was a recommendation to my office that your doctoral candidacy be terminated.

On the basis of this action, I regret to inform you that you are hereby terminated from the Educational Policy Studies and Evaluation doctoral program effective immediately. No further registration will be permitted.

Sincerely,
Douglass S. Kalika, Acting Dean
The Graduate School

cc: Dr. Jeffrey Bieber, EPE Director of Graduate Studies
Dr. Beth Goldstein, EPE Chair
Dr. Robert Shapiro, Associate Dean,
College of Education
student file"

## APPENDIX M

## THE UNIVERSITY OF KENTUCKY GRADUATE SCHOOL RULE FOR TERMINATIONS

**2000-2002 UK Graduate School Bulletin; Page 18.**

"MAY –16-01 01:50PM FROM - GRADUATE SCHOOL-UK [859-323-1928] T-730 P.02/02 F-343.

---

**Termination**

The Dean of the Graduate School may terminate enrollment in a particular program for the following reasons:

1. Scholastic probation for three enrolled semesters.
2. Having failed twice the final examination for the Master's degree or the qualifying examination.
3. In cases where the students Advisory Committee recommends termination after the qualifying examination has been passed, the Graduate Faculty in that program will meet to vote on the recommendation. When the Graduate Faculty of that program concurs and the student dissents, the student will have an opportunity to meet with the Graduate Faculty of the program, after which a second vote will be taken and a final recommendation will be made to the Dean of the Graduate School

Each program sets specific requirements and standards of performance, evaluative procedures and criteria and procedures for termination. The student should be informed of these criteria at the time of enrollment by the Director of Graduate Studies of the program"

## APPENDIX N

## "EPE DOCTORAL PROGRAM GUIDESHEET
SPECIFIC REQUIREMENTS

**Issued to the Petitioner on June 28, 1995**

Name: _____

Your Notes: You have received your letter of acceptance into The Graduate School and this program. Congratulations. But, check that letter to see if there are any "loose ends" to tie up. If so, tie them up immediately.

1. None_____ Yes _____
What? _____
Done _____

Coursework Phase

___2. Proseminar, EPE 601.

___3. Getting acquainted with faculty by taking a variety of courses, attending the colloquium series, and hobnobbing in the halls.

___4. Now acquainted, discuss with DGS possible major.

___5. ***Based on your background, career goals, research interests, and "personal chemistry," you ask a professor to serve as your Major Professor and chair of your committee.**

___6. Discuss with that professor the professor the possible make-up of the committee; then ask each one if she he will serve.

___7. DGS, on notification from your Major Professor, writes The Graduate School, and you receive a formal announcement of your Advisory Committee.

___8. Second Semester of fulltime work, the

committee meets to formally approve your program of studies. (Departmental forms are available for this. **REMINDER: plan to complete the entire program within eight years.)**

___9. If that program calls for a second language, satisfy the requirement.

Qualifying Examination (QE) Phase

_10. Discuss with your Major Professor, during the last semester of coursework, plans for the QE.

_11. Meet individually with committee members to discuss their expectations.

_12. Check with the DGS office regarding forms and dates for scheduling the QE.

_13. Discuss with your Major Professor ideas for a preliminary dissertation proposal, which is due by the date of the QE.

_14. Pass the Qualifying Examination. The Graduate School declares that you are now a doctoral candidate.



Your Notes:

Dissertation Phase

The faculty-student ratio is now one-to-one, and, if not before, the love-hate relationship

becomes intense. **Involvement of other committee members, during this phase, is at the judgement of your Major Professor.**

_15. Final Proposal

__a. Working with your Major Professor, develop a full-blown statement of your research/scholarly project, presenting a clear statement of the "problem," the importance of the study relevant research, and procedures you will follow to examine your topic.

___b. Committee approves the proposal.

_16. EPE 769 for two consecutive semesters of nine hours each. **Thereafter, registration for EPE 769 –0 hours will be handled by the department and Graduate School until graduation.**

Dissertation Defense Phase

_17. Major Professor says, "OK," and you prepare copies for other members of the committee.

_18. Apply to The Graduate School for the early in the semester of the defense. (Check with DGS office for deadline.)

_19. At least one month prior to the defense, The Graduate School must be notified by the DGS office. You are responsible for

letting the DGS know in time. The Graduate School will appoint the Outside Reader and notify the DGS office.

_20. After finding a time when you and all members of the committee can meet, notify the DGS office. The Graduate School then formally announces the date and time. You must get this information to the DGS office at least two weeks in advance.

_21. You are to take the Dissertation Approval Sheet, signed by a majority of the committee, Schedule of Final Exam form, and copy of the dissertation to The Graduate School at least two weeks ahead.

_22. The Graduate School will check the form of the dissertation. If no changes are necessary, it is given back to you to be carried to the Outside Reader.

_23. The day finally arrives, and you give a brilliant defense.



Your Notes: Celebration Phase

During which you refer to yourself only as "Doctor," thereby pleasing your family and

irritating everyone else. Your Major Professor may even buy you a drink -- while telling you that you must immediately begin rewriting your dissertation for publication. Oh well, it never really ends".

## APPENDIX O

## AMAECHI'S OBJECTION TO HAVING DR. RICHARD ANGELO FOR AN ADVISOR DATED JULY 24, 1999

"Christopher N. Amaechi
P. O. Box 2371
London, Kentucky 40743-2371

**July 24, 1999**

Dr. Richard Angelo
Associate Professor and
Chair Department of Educational Policy
Studies and Evaluation
The University of Kentucky
College of Education
131 Taylor Education Building
Lexington, Kentucky 40506-0001

Dear Dr. Angelo,

This letter is an answer to yours dated July 22, 1999. Pursuant with Dean Nietzel's memo to my "Advisory

Committee" dated September 25, 1997, no one in your department has officially fulfilled the role of my major advisor after I had passed my "Qualifying Examination" taken over two semesters ago. I have not rejected anyone in your department except your humiliating advice.

You were my unofficial advisor for Fall 1998, and Spring 1999 semesters. During those semesters, you maintained that "I did not have the dexterity to conduct the studies that I had proposed". In keeping with your beliefs about my academic abilities, you repeatedly told me that "I do not write beyond a high school g". According to you, "there is a difference between good sex and bad sex, and to you, what I was writing was bad sex". Furthermore, you continued to insist during those semester that "the doctoral degree may not be for me".

I informed you then that, my academic performance at the University of Kentucky can speak to my abilities. You replied, "High Grade Point Average (G.P.A.) is not a reflection of one's abilities at this institution because some people receive grades of "A" even when they do not merit them".

I was anguished with your comments and consequently notified Dr. Robert Shapiro and others about the above concerns. **Overall, I do not feel safe with you as my advisor.** Consequently, **please do not feel rejected.**

I need a major advisor from your department, and I wish to conduct my dissertation research using the abilities and

competencies that I have already developed at the University of Kentucky.

Sincerely,

Christopher N. Amaechi
Doctoral degree candidate.

cc. Beth Goldstein, DGS
Shirley C. Raines, Dean College of Education
Robert Shapiro, Associate Dean, The College of Education
Michael T. Nietzel, Dean of the Graduate School
Douglass Kalika, Associate Dean, The Graduate School
Deneese Jones, Graduate School
Elizabeth Zinser, Chancellor Lexington Campus."

## APPENDIX P

## IMPOSITION OF DR. ANGELO ON AMAECHI OVER AMAECHI'S OPPOSITIONS

"MEMORANDUM

DATE: **October 22, 1999**
TO: Dr. Richard Angelo (Chair)
Dr. John Thelin
Dr. Edward Kifer

Dr. Shirley Raines
Dr. Thomas Janoski
Dr. Lars Bjork

FROM: Michael T. Nietzel
Dean of the Graduate School

RE: APPOINTMENT OF ADVISORY COMMITTEE

In accordance with the Graduate Faculty regulations, the above Advisory Committee has been appointed to develop and supervise the work of the following student.

STUDENT'S NAME: Christopher Amaechi

DEGREE: Ed. D

STUDENT'S PROGRAM: Educational Policy Studies and Evaluation

Each student's program is guided by a Major Professor and Advisory Committee throughout the graduate career. Their purpose is to give continuity of direction and counsel and provide intellectual completion of the doctorate. In addition to advising and program planning, the Advisory Committee is also involved with the administration of the Qualifying Examination, the supervision of the dissertation, and the administration of the Final Examination.

Advisory committee actions must be reported promptly to the appropriate Director of Graduate Studies who will be responsible for transmitting them to the Dean of the Graduate School.

MTN/ggh

c: Director of Graduate Studies

Student P.O. Box 2371
London, KY 40743-2371

File."

## APPENDIX Q

THE ORIGINAL MEMO FROM DR. RICHARD ANGELO TO AMAECHI DATED **MARCH 25, 2001 & DISPUTED**

**Page 4.**

"...I would opt for the most direct approach to a review of the literature if I were you-i.e., treating "student satisfaction" as a domain with its own identity. And to help you with your prose, it might be wise to retain an editor. Once you've got a convincing account of the differences between "Discrepancy," "Cognitive of Judgement" models and the rest, you should be able to clearly situate Christian-Ray and the point of your secondary analysis. (While you're at it, I think you should drop.."Definition of Terms" you have included at the end of Chapter 1. In a context like this, there's no need to define most of these terms-e.g. "face validity" or "dependent variable" – and what you say about some of the others –specifically, "Herculean Task," "Oxymoron," and "Sine qua Non"-only serves to erode the reader's confidence in you). In the meantime, you obviously have some serious work to do on your statistical reasoning as well."

## APPENDIX R

DEFENDANTS **TAMPARED** WITH THE DISPUTED MEMO DATED **MARCH 25, 2001** AFTER DR. JANOSKI'S TESTIMONY (**See DEFENDANTS'**

**EXHIBIT # 28 MOTION FOR SUMMARY JUDGEMENT)**

Page 4.

"...I would opt for the most direct approach to a review of the literature if I were you-i.e., treating "student satisfaction" as a domain with its own identity. And to help you with your prose, it might be wise to retain an editor. Once you've got a convincing account of the differences between "Discrepancy," "Cognitive of Judgement" models and the rest, you should be able to clearly situate Christian-Ray and the point of your secondary analysis. (While you're at it, I think you should drop.."Definition of Terms" you have included at the end of Chapter 1. In a context like this, there's no need to define most of these terms-e.g. "face validity" or "dependent variable" – and what you say about some of the others –specifically, "Herculean Task," "Oxymoron," and "Sine qua Non"-only serves to erode the reader's confidence in you). In the meantime, you obviously have some serious work to do on your statistical reasoning as well.

Cc: Student's file

Committee members

Dr. Jeffrey Bieber, DGS"

**APPENDIX S**

THE U.S. COURT OF APPEALS' **DECISIONS**

"NOT RECOMMENDED FOR PUBLICATION

NO. 03-6410

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

| | |
|---|---|
| CHRISTOPHER N. AMAECHI, Plaintiff-Appellant, | ) |
| | ) ON APPEAL FROM |
| | ) THE UNITED |
| v. | ) STATES DISTRICT |
| UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION et al., | ) COURT FOR THE |
| | ) EASTERN |
| | ) DISTRICT OF |
| Defendants-Appellees. | ) KENTUCKY |

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

Sixth Circuit Rule 28(g) limits citation to specific situations. Please see Rule 28(g) before citing in a proceeding in a court in the Sixth Circuit. If cited, a copy must be served on other parties and the court. This notice is to be promptly displayed if this decision is reproduced.

---

BEFORE: DAUGHTREY AND GILMAN, Circuit Judges, and Rice, *District Judge.

**PER CURIAM.** Plaintiff Christopher Amaechi, formally a doctoral candidate at the University of Kentucky, filed this § 1983 action claiming that the university violated his rights under the Fourteenth Amendment when his enrollment in the doctoral program was terminated arbitrarily and without due process. The district court granted summary judgement to the defendants, holding that Amaechi had failed to establish a violation of his constitutional rights by

the university or its employees. The plaintiff appeals, contending that the district court should have ordered his reinstatement to the doctoral program. We find no error and affirm.

---

*The Hon. Walter Herbert Rice, United States District Judge for the Southern District of Ohio, sitting by designation.

In regard to the Plaintiff's procedural due process claim, the district court correctly noted that "[t]he essence of due process is the requirement that a person in jeopardy of serious loss [be given] notice of the case against him and an opportunity to meet it," quoting *Matthews v. Eldridge*, 424 U.S. 319, 348 (1976). The district court was also correct in observing that dismissal of a student for academic reasons comports with the requirement of due process if the school has fully informed the student of the faculty's dissatisfaction with his or her performance and of the risk that the deficiencies pose to continues enrollment, and if the ultimate decision to dismiss is made carefully and with deliberation. As the district court noted, the record in this case is replete both with warnings to the plaintiff that his work was unsatisfactory and with efforts to assist him in bringing his work up to standards that would permit completion of the doctoral program certainly it cannot be said, based on the record, that the final decision to dismiss Amaechi was anything less than careful and deliberate.

In regard to the plaintiff's substantive due process argument, the district court assumed the existence of a constitutionally protected property right in continued enrollment in an educational program such as the one the plaintiff had undertaken but held, nevertheless, that there was no violation of the plaintiff's constitutional rights

because there was no evidence that the university acted arbitrarily in dismissing Amaechi from its college of education.

The district court, after setting out the facts at length and engaging in extensive analysis, found that there was no dispute of material fact and that the plaintiff's constitutional claims failed as a matter of law. Having studied both the record on appeal and the briefs of the parties, we are not persuaded that the district court erred in dismissing the complaint. Because the reasons why judgement should be entered for the defendant have been fully articulated by the district court, the issuance of a detailed opinion by this court would be duplicative and would serve no useful purpose. Accordingly, we AFFIRM the judgement of the district court upon the reasoning set out by that court in its memorandum opinion and order filed on September 30, 2003".

## APPENDIX T

"**ORDER** – UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON

CIVIL ACTION NO. 02-241-JMH

CHRISTOPHER N. AMAECHI PLAINTIFF.

v. JUDGEMENT

UNIVERSITY OF KENTUCKY, COLLEGE
OF EDUCATION, et. al., DEFENDANTS.

* * * * * * * * * * * * *

In accordance with the order of even data and entered contemporaneously herewith,

IT IS HEREBY ORDERED:

(1) That this action be, and the same hereby is DISMISSED AND STRICKEN FROM THE ACTIVE DOCKET.

(2) That all pending motions be, and the same hereby are, DENIED AS MOOT.

(3) That all scheduled proceedings be, and the same hereby are, CONTINUED GENERALLY.

(4) That this order is FINAL AND APPEALABLE and THERE IS NO JUST CAUSE FOR DELAY.

This the 30th day of September, 2003

Signed By:

**Joseph M. Hood**

United States District Judge

## APPENDIX U

JUDGE JOSEPH M. HOOD'S COLLEGE EDUCATION

"University of Kentucky, Lexington, 1960-65, B.S. in commerce, 1965-1966, graduate studies, Dept. of Economics, graduate teaching asst.; University of Kentucky College of Law, Lexington, 1970-72, J.D."

## APPENDIX V

ROBERT L. ROARK'S COLLEGE EDUCATION

"University of Kentucky Law School, J. D. 1989. University of Kentucky B.A., 1986"

## APPENDIX W

*[AMAECHI'S Academic Transcript from Morehead State University]

Master of Science (MS) Degree 1983-1984

Christopher N. Amaechi Date of Birth SS #

Rout 1, Box 468 09/14/56 405-11-6787

Oneida, Ky. 40972

| **1982-83 FALL SEMESTER** | **Grade** | **Qual. Pts.** |
|---|---|---|
| VOC 685 (PRIN & PHIL) | A | 12 |
| VOC 660 (TRENDS & ISSUES) | A | 12 |
| AGR 592 (AGR SUPER) | A | 12 |
| **1982-83 SPRING SEMESTER** | | |
| VOC 630 (EVALUATION. TECH.) | B | 9 |
| AGR 586 (PLAN PROG. IN AGR.) | A | 12 |
| EDUC 600 (RES. METHODS) | B | 9 |
| VOC 698 (CAREER 7 VOC GUID) | A | 12 |
| **1983-84 FALL SEMESTER** | | |
| AGR 676 (DIRECTED STUDY) | A | 12 |
| EDHE 640 (2-YR. COLL. H.ED) | B | 9 |
| AGR 599 (AGR. MACHINES) | B | 9 |
| EDSE 634 (SEC. SCH. CURR.) | A | 12 |
| AGR 670 (DIR. RESEARCH) | A | 12 |

**Academic Major: Agriculture**

Master of Science (MS) Degree 1983-1984

## APPENDIX X

*[AMAECHI'S Academic Transcript from
Morehead State University (MSU)
And Eastern Kentucky University (EKU)]

Master of Arts (MA) Degree 1984 -1986

| **1983-84 SPRING SEMESTER (MSU)** | **Grade** | **Qual. Pts.** |
|---|---|---|
| EDAH 643 (SEMINAR HIGH.ED) | B | 9 |
| EDUC 610 (ADV.HUM GR. & DEV.) | B | 9 |
| EDAH 651 (HUMAN DEV IN ADH.) | B | 9 |
| EDAH 642 (STUDENT PERS H.ED) | A | 12 |
| **1985 FALL SEMESTER (EKU)** | | |
| EPY 842 (STATATISTICAL METH.) | B | 9 |
| EPC 820 (GROUP PROCESS) | B | 9 |
| EAD 802 (SCH.BLDS. & GROUNDS) | B | 9 |
| **1986 SPRING SEMESTER (EKU)** | | |
| EAD 805 (SCHOOL LAW) | A | 12 |
| EPC 845 (INTERN. STU. PERSONNEL) | A | 12 |
| EPC 740 (COUNS. THEO. & PRACTICE) | B | 12 |
| EPC 713 (INTRO. TO COUNSELING) | A | 12 |

**Major: Student Personnel and Services**

Master of Arts (MA) Degree 1984 –1986"

## APPENDIX Y (1)

THE NATURE OF GUIDANCE PETITIONER RECEIVED FROM EPE FACULTY - Defendants' **Exhibit #21.** (Kifer)

| Five Satisfaction Items Analyzed by Amaechi | Import. Mean | Sat. Mean | P. Gap Mean |
|---|---|---|---|
| Most students feel a sense Of belonging here | - | - | - |
| The campus staff are Caring and helpful | - | - | - |
| Faculty care about me As an individual | - | - | - |
| Admissions staff are knowledgeable | - | - | - |
| Financial Aid Counselors Are helpful | - | - | - |

**Study Sample**: N = 379; M = 159 (41.6%); F = 220 (54.8%). FT = 337; PT = 37 NR = 5.

**Student Demographics**

African-American = 21

American Indian /Alaskan Native = 2

Asian/Pacific Islander = 15

Caucasian-American = 332

Hispanic = 2; Other = 7

Key:

Import. = Importance; Sat. = Satisfaction; P. Gap = Performance Gap; M= Male, F = Female; FT = Full-time, PT = Part-time; NR = No response, N = Study Sample

## APPENDIX Y (2)

PETITIONER'S RESULTS FOR THE SAME FIVE ITEMS

| Five Satisfaction Items Analyzed by Amaechi | Import. Mean | Sat. Mean | P. Gap Mean |
|---|---|---|---|
| Most students feel a sense Of belonging here | 5.86 | 4.92 | 0.94 |
| The campus staff are Caring and helpful | 6.35 | 4.90 | 1.45 |
| Faculty care about me As an individual | 6.18 | 4.69 | 1.49 |
| Admissions staff are knowledgeable | 6.20 | 5.10 | 1.10 |
| Financial Aid Counselors Are helpful | 6.06 | 4.56 | 1.50 |
| Admissions staff are knowledgeable | 6.20 | 5.10 | 1.10 |
| Financial Aid Counselors Are helpful | 6.06 | 4.56 | 1.50 |

**Study Sample**: N = 379; M = 159 (41.6%); F = 220 (54.8%). FT = 337; PT = 37 NR = 5.

**Student Demographics**

African-American = 21

American Indian /Alaskan Native = 2

Asian/Pacific Islander = 15; Caucasian-American = 332

Hispanic = 2 Other = 7

Import. = Importance Sat. = Satisfaction, P. Gap

P. Gap = Performance Gap etc.

## APPENDIX Y (3)

### COMMENCEMENT 2001 DOCTORAL DEGREE RECIPIANTS – INTERNET PUBLICITY

"Following is the list of students eligible to receive doctoral degree at Commencement on May 6, 2001

Page 1 of 6

http://www.rgs.uky.edu/gs/DegreeRecipients.html

Keziban Acar

John LeScott Adams

Gregory Patrick Adkinson

Meshack Mosimanegape Afitlhile

Cameron Todd Alsup

**Christopher Nnamdi Amaechi**

Mansoor Aminilari

Kevin M. Ansthel

Salih Ates

Matthew L. Baker

Doris Seats Barlow

Bernadetts Catherine Barton

Raymond Patrick Baruffalo

Glenda S. Bence

Daniel Edmond Beams

James William Bellew

Aimee K. Bence

Maria Jesus Berrocal

Kenneth W. Blank

Susan Lower Bogardus..."

**APPENDIX Y (4)**

PETITIONER'S LETTER TO THE COMMITTEE DATED **MAY 14, 2001**REQUESTING FOR GUIDANCE

"Christopher N. Amaechi
P. O. Box 2371
London, KY 40743-2371
May 14, 2001

Dr. Richard Angelo
College of Education
Chair Department of Educational
Policy Studies and Evaluation
131 Taylor Education Building
The University of Kentucky
Lexington, Kentucky 40506-0001

Dear Dr. Angelo,

Thank you for receiving four copies of my dissertation on April 30, 2001 and for distributing them to four members of my committee in the college of education. As you well know, I gave a copy of the dissertation to Dr. Thomas Janoski and a copy to Dr. Michael T. Nietzel (Dean of the Graduate School) on that very day.

You agreed to call me two weeks from April 30, 2001 concerning the dissertation. I have no heard from you or from any member of my dissertation committee concerning the completed project. I wish to defend this dissertation between now and the second Summer Session following the May 2001 graduation since it was not defended before the May graduation. I am seriously looking for a professional position with the ABD to enable me to support

my family. At the same time I will do what is prudent for me to graduate from the University of Kentucky as soon as possible. Each delay is extremely costly to my family.

Please tell me what must be corrected in the dissertation submitted to you on April 30, 2001 and the need for such corrections so that I can effectively make such necessary corrections before defending the dissertation.

Sincerely,

Christopher N. Amaechi

cc Members of my Dissertation Committee,
Dr. Michael T. Nietzel
File"

## APPENDIX Y (5)

## A LETTER FROM DR. RICHARD ANGELO TO AMAECHI DATED MAY 14, 2001 RECOMMENDING AMAECHI'S TERMINATION

"May 14, 2001

Mr. Christopher Amaechi
P. O. Box 2371
London, KY 40743

Dear Christopher,
On Wednesday, May 9, I met with Drs. Kifer, Thelin, and Raines because none of us was ready to recommend a

defense of the manuscript you submitted on April 30. The revisions you made this time around. However, those revisions left untouched the deficiencies of concept, method, and exposition highlighted in the memos you received from me and Professor Kifer on **March 25th**. This is only the most recent instance of an inability or unwillingness on your part to respond to our advice. Under the circumstances we believe it is unlikely that you will complete a satisfactory dissertation, and we have decided to recommend the termination of your program. You will, of course, have rights appeal, as spelled out in the Graduate School Bulletin, 2000-2002 p. 18).

In cases where the student's advisory committee recommends termination after the qualifying examination has been passed, the Graduate Faculty in that program will meet to vote on the recommendation. When the Graduate Faculty of the program concurs and the student dissents, the student will have an opportunity to meet with the Graduate Faculty of the program, after which a second vote will be taken and a final recommendation will be made to the Dean of the Graduate School ...

**Professor Janoski** was not present at our meeting on May 9. He had not yet had time to read your manuscript because he had been burdened with the last minute details of organizing a conference in New York. I spoke with him on the phone later that afternoon, however. While he saw no reason to object to the action we're now recommending, he thought it would be best under the circumstances for him to abstain. We are going ahead, his abstention notwithstanding, because the vote of a clear majority of the advisory committee is all that's required.

Sincerely,

Richard Angelo

Associate Professor &
Chair

Cc: Dr. Michael Nietzel
Dr. Jeffrey Bieber"

**Please see Apx. M p. 47-48 herein on criteria for termination excluded from that letter.**

Also see Dr. Thomas Janoski's testimony on page 12-14 of this petition for part of Dr. Janoski's testimonies.

## APPENDIX Z (1)

## A LETTER FROM MARILYN LYONS TO AMAECHI REGARDING SUMMER 2001 GRADUATION

Research and Graduate Studies
The Graduate School
Patterson Office Tower
Lexington, KY 40506-0027
(859) 257-8142

"August 2, 2001

Christopher Amaechi
P. O. Box 2371
London, KY 40743

Dear Christopher Amaechi:

According to our records you have not met the requirements for the Ed. D for the **Summer 2001 semester** for the following reason(s):

> **The paperwork to schedule the final examination was not submitted prior to the semester deadline. When the paperwork is received, your record will be checked to determine if all requirements have been met.**

If you have any questions please contact me at (859) 257-4614 or email mlyons@pop.uky.edu.

Sincerely,

Marilyn Lyons, Student Affairs Officer
The Graduate School

c: Jeffery Bieber, Director of Graduate Studies
Educational Policy Studies and Evaluation
Student file"

## APPENDIX Z (2)

"THE UNIVERSITY OF KENTUCKY GRADUATE SCHOOL - APPLICATION FOR ADMISSION

**Please read the enclosed booklet for instructions**

[Office Use Only PM ( )]

1. Social Security Number : 405-11-6787
2. Name AMAECHI, CHRISTOPHER NNAMDI
   Print Last First Middle
   Present Address: P. O. Box 2371, London, Laurel County, Kentucky 40743-2371
   E-mail Address: None; Telephone Number (606) 878-2389.
   Permanent Address: P. O. Box 2371, London, Laurel County, Kentucky 40743-2371.
3. Birthdate: 09/14/56
4. Sex: Male
5. Are you an employee of the University of Kentucky?
   [ ] Yes [x] No [ ] Part-time [ ] Full-time
6. [x] U.S. [ ] Permanent Resident
7. Applying for 1995 [x] Fall [ ] Spring
   Summer School [ ] May Intersession
   [ ] 8-weeks session
8. [x] Kentucky Resident [ ] Non-Kentucky Resident
   If you indicated KY resident in question 8, have you lived in KY for the last 12 months? [x] Yes [ ] No
   Have you received financial support from anyone out of state in the last 12 months? [ ] Yes, [x ] No
9. Program Requested: Educational Policy Studies and Evaluation EPSE. Areas of Interest: College Teaching; Research and Evaluation; Sociology.

10. Type of Applicant: Entering a Degree or Certification Program [EBD] with an awarded Bachelor's.

11. Ethnic Background

[ ] Hispanic[H] [ ] American Indian[I]

[x] Black/Non-Hispanic[B][ ] Mexican-American[M]

[ ] Asian/Pacific Islander[O] [ ] Other

[ ] Puerto-Rican[P]

[ ] White/Non-Hispanic[W]

12. Status Requested (Check only one)

[x] Doctoral Degree

[ ] Specialist in Education Degree

[ ] Masters Degree

[ ] Post-baccalaureate (Program Code POBA, only)

[ ] Rank I Certification Education

[ ] Fifth Year Certification (Education)

[ ] Certification (Only)

[ ] Visiting Student

[ ] Postgraduate Trainee

**Signed: Christopher N. Amaechi Date: 6/28/95**

**Signed: Dr. Richard Angelo (DGS) Date: 6/28/95**

13. If you are applying for a special program check one

[ ] MD/PHD

[ ] Joint Doctoral Program in Education with __Univ.

[ ] Cooperative Doctoral Program with __Univ.

[ ] University Scholar

[ ] Five Year Program

[ ] MBA/JD

[ ] MPA/JD

14. List, in chronological order all colleges and universities you have attended since high school, including the University of Kentucky post-baccalaureate status, and any colleges you are presently attending (See instructions concerning required transcripts).

Name of College
City & State
Attended From ___To___
Degree
Date Conferred or Expected
Curriculum Major.

**Berea College,** Berea KY From 1979 To 1982; B.S. Degree May 1982; Major: **Agriculture**

**Morehead State University,** Morehead KY From 1982 To 1983. M.S. Degree December 1983. Major: **Agriculture.**

**Morehead State University,** Morehead KY From 1983 To 1984. **Eastern Kentucky University** Richmond, KY From 1985 To 1986 M.A. Degree Major: **Student Personnel and Services**

If you have previously attended the University of Kentucky, check:

[ ] Undergraduate [ ] Graduate [ ] Professional

Name on Transcript or on scores if different from Your name as given above NOT APPLICABLE

APPLICATION FEE

Applicants for admission to The University of Kentucky Graduate School must pay a $20.00 application fee. A check or money order made payable to THE UNIVERSITY OF KENTUCKY should accompany the completed application.

LETTERS OF RECOMMENDATION

Letters of recommendation should be sent to the Director of Graduate Studies in the program of your Choice...**Stamped: January 12, 1995**

15. I understand that withholding information or giving false information makes me ineligible for admission and enrollment. Date: 01/11/95. Signature: Christopher N. Amaechi

Return both copies to: THE GRADUATE SCHOOL, 351 Patterson Office Tower, University of Kentucky, Lexington, KY 40506-0027".

**APPENDIX Z (3)**

PART OF DRS. JANOSKI, RAINES & HARRIS DEPO.

**UK Professor - Dr. Thomas Janoski; Page. 14**

Q. "..Students, the most, Ok, **number of times** that a student had to rewrite their dissertation proposal at the University of Kentucky before it was defensible. Paragraph (Para.) 1 to 4

A. You're talking about the dissertation? Para. 5 to 6

Q. Right, dissertation. Yes, excuse me. Not proposal

Para. 7 to 8.

A. **Six times.** Para. 9

Q. Now, you and the committee, you-all had to approve Mr. Amaechi's dissertation proposal did you not? Para. 10 to 12.

A. Yes Para. 13

**UK Professor - Dr. Thomas Janoski; Page 10**

Q. "Did Dr. Angelo give you, or any of the committee members, any specific instructions as to how Mr Amaechi's dissertation proposal should proceed? Para. 13 to 16

A. No. Set up meetings, and there was a certain process that we would go through, but as far as specific instructions go, no, I don't think so. Para. 17 to 20.

Q. Did Dr. Angelo ever communicate to you the reason or the reason why they were recommending to terminate Mr. Amaechi from the program? (Page 18, para. 19 to 22).

A. In committee meetings he gave lots of different reasons and expressed some exasperation. (Page. 18; para 23 to 25)

Q. Can you be more specific as to the reason and his expressions? (Page 19, Para. 1 to 2).

A. It was never, you know very clear to me. **It seemed like there was a great deal of history that went on previously.** Exactly, you know, the reasons were never, you know, particularly clear to me... (Page 19,

Para. 3 to 7)"

**UK Professor - Dr. Thomas Janoski; Page 12.**

Q. "Isn't it true, Dr. Janoski that you told Mr. Amaechi that his dissertation was **60 to 75** present completed? Para. 5-7

A. Yes, in the sense that, as a whole, it was. I think it was **60 to 75** percent completed. Para. 8-10."

**UK Professor - Dr. Thomas Janoski; Page 43**

**A.** **"...Chair of a committee is usually somewhat of an advocate for the student, otherwise they would not accept the position of being the Chair. Para. 8-11.**

Q. Right. And normally the Chair of a doctoral candidate dissertation committee is a person that that student selects – Para. 12-14.

A. **Yes"; Page 43; Para. 15**

**Dr. Shirley C. Raines; Page 31**

Q. "Okay. So, to sum up, and correct me if you I' m wrong, you are telling the jury that you did not participate in a final meeting where the vote was taken to terminate Mr. Amaechi; is that correct? Para. 14 – 17

A. To my recollection, I did not. Para. 18.

**UK Professor - Dr. John J. Harris III; Page 27**

Q. "Okay. Did Mr. Amaechi ever express to you that he felt he was having difficulties because of his race? Para. 21-23.

A. **Yes.** Page 27; Para. 24."

(2)

CASE NO. 04 -1091

SUPREME COURT, U.S.
FILED
MAY 10 2005
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER N. AMAECHI

*Petitioner*

v.

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION et al.

*Respondents*

ON PETITION FOR A REHEARING OF JUDGEMENT ON CASE NO. 04-1091 IN THE SUPREME COURT OF THE UNITED STATES

# PETITION FOR A REHEARING

Christopher Nnamdi Amaechi
Petitioner
P.O. Box 2371
London, Kentucky 40743-2371
(606) 878-2389

## QUESTIONS FOR REVIEW ON PETITION FOR REHEARING ON CASE NO. 04-1091 – RULE 44

**(a).** Whether the Petitioner has presented an additional exhibit or proof that he filed a complaint on grounds that Respondents deprived him of his rights to Equal Protection of the laws guaranteed under the ***Fourteenth Amendment*** to the United States Constitution, and of his civil rights to enforce ***contract***?

**(b).** Whether the Petitioner has presented an additional exhibit or proof that Respondents *intentionally* and or *purposefully discriminated* against him on the basis of his ***race,*** color, and or national origin by depriving him of his vested ***liberty*** interest to enjoy equal treatments protected by the Equal Protection Clause under the U.S. CONST. Amendment XIV (14) § 1? & under KY CONST. § 1?

**(c).** Whether the Petitioner has presented an additional exhibit or proof that Respondent has a ***history of racial discrimination against African-American male*** and their current conduct is presumed to be likely motivated?

**(d).** Whether the Petitioner has presented an additional exhibit or proof that Respondents *deprived* him of his ***vested rights*** to enforce ***contract*** by denying him the Equal Protection guaranteed under the U.S. CONST. Amendment XIV (14) §1 and under 42 U.S. C. §§ 1981, 1983; 28 U.S.C. §1331? & under 20 U.S.C. § 1703 (a & b)?

**(e).** Whether the petitioner has presented an additional exhibit or proof that Respondents ***arbitrarily deprived*** him of his right to his vested ***property*** interest by denying him the Equal Protection to complete his degree within his five (5) years of eligibility protected under K.R.S. § 157.310 and guaranteed under the U.S. CONST. Amendment XIV (14) 42 U.S.C. §§ 1981, and 1983? & under KY CONST. § 1?

## STATEMENT OF QUESTION (a)
## FOR REHEARING

For statement of question (a) Petitioner presents "in good faith and not for delay", three (3) of thirty-four (34) additional and substantial exhibits to prove that he filed a complaint claiming that Respondents ***deprived*** him of his rights to **equal protection** of the laws guaranteed under the Fourteenth Amendment to the United States Constitution and denied him of his civil rights to enforce contract and that said complaint was docketed. See Apx. **1-34** pp. 11-103; Apx.**1**, pp.11-38, Apx. **2** pp.38-48; Apx. **3**, pp. 48-55.

**Subsidiary Question for Question (a):**

Whether the Court will first determine if the Plaintiff had stated a claim of deprivation of Equal Protection Clause guaranteed under the Fourteenth Amendment to the United States Constitution in deciding the Defendants' motion?

## STATEMENT OF QUESTION (b)

For statement of question (b), Petitioner ("Amaechi") presents "in good faith and not for delay" eleven (11) of thirty-four (34) additional and substantial exhibits to prove that Respondents intentionally or purposefully and repeatedly subjected him to disparate treatments or discriminated against him on the basis of his race, color, and or national origin. Amaechi was humiliated by repeated and disparate treatments of him – abandoned after he passed his qualifying examination, other doctoral candidates in EPE Department chose their Academic Advisors but his was imposed on him over his objections, deprived him of an opportunity to respond to the e-mail intentionally written on 3/21/2000 for his termination, was terminated 11/21/2001. See Apx. **4, 5, 6, 7, 8, 9, 10, 11, 12, 13,** and **14,** pp.56-73

**Subsidiary Question for Question (b):**

Whether the Petitioner has cited any case law to show that Respondent's conduct clearly violated his constitutional and or statutory rights of which a reasonable person would have known?

## STATEMENT OF QUESTION (c)

For statement of question (c), Petitioner presents "in good faith and not for delay" three (3) of thirty-four (34) additional and substantial exhibits to prove that the Respondent has a history of discriminating against African-American male. See Apx.**15, 16** and **17**, pp. 73-75.

**Subsidiary Question for Question (c):**

Whether there is a legal precedence to infer that where the Defendant is guilty of purposeful discrimination at a point in the past, this conduct may allow a presumption that the Respondents' "subsequent" or "current" conduct was similarly motivated?

## STATEMENT OF QUESTION (d)

For statement of question (d), Petitioner presents "in good faith and not for delay" one (1) of thirty-four (34) additional and substantial exhibits to prove that Respondents deprived him of his right to enforce ***contract*** and the right to equal educational opportunity. He was deprived of an equal educational opportunity to participate in his ***vested liberty*** interest to pursue college teaching, an opportunity extended to Caucasian students and denied Amaechi's right to Equal Protection guaranteed under the Fourteenth Amendment to the United States Constitution and Statutes 42 U.S.C. §§ 1981, 1983 & 28 U.S. C. §. 1331, pp.xix-xx, and Apx.**18**, p.75-76; and see Apx.**1**, pp.14 –15 para. 12; p. 28 para. 59.

**Subsidiary Question for Question (d)**:

Whether the Plaintiff has presented an additional exhibit to show he is a member of a racial minority?

## STATEMENT OF QUESTION (e)

For statement of question (e) Petitioner (Amaechi) presents "in good faith and not for delay" sixteen (16) of thirty-four (34) additional and substantial exhibits to prove that the person(s) or committee responsible for Amaechi's graduation from the University of Kentucky and for his termination thereafter, departed substantially from accepted academic norms and did not actually exercise professional judgement. Respondents were using measures of *"Performance Gap"* as outcomes of education representing "Undergraduate Student Satisfaction with Experiences at the University of Kentucky". Over 800 institutions in the United States use "Performance Gap" as a measure of student satisfaction with college/university.

However, Amaechi discovered through his dissertation research at the University of Kentucky that *"Performance Gap"* is not a measure of student satisfaction at all. A measure of "Performance Gap" is what you get after subtracting any number of oranges from the same number of apples. It is in fact a deceptive model likely to destroy a school system and or a nation whose future is embarked on adequate education of its citizens.

For that reason, Amaechi developed his Student-Experience-Satisfaction (S1-E-S2) model and corrected that problem posed by "Performance Gap". He submitted his reports on 2/27/2001 and on 4/30/2001 to his committee for comments. The University graduated him on 5/6/2001 without an equal educational opportunity to first complete revising his written report or dissertation and to successfully

defend it before graduation. He was terminated on 11/21/2001 after that graduation. Both practices ***shock the conscience*** and were very substantial departures from accepted academic norms at the university, and deprived Amaechi of his ***Substantive*** and vested liberty and property interests to pursue careers in education, and denied him of his right to Equal Protection Clause guaranteed under the Fourteenth Amendment to the United States Constitution, pp. xvii-xviii, and see Apx. **19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 32, 33,** and **34**, pp. 76-103. Also see Apx. **1,** pp. 23 –24, para. 44, p. 24 para. 45.

In essence, Amaechi tested Emile Durkheim's (1909) notion herein stated: *"Sociology must not be a simple illustration of ready-made and deceptive truisms; it must fashion discoveries which cannot fail to upset accepted notions"*. [Collins, Randall (1994, p. 181). The Four Sociological Traditions. NY, NY: Oxford University Press.]. Durkheim's scientific notion has endured the test of time.

Again, Amaechi had over two (2) years of eligibility remaining in the doctoral degree program after 4/30/2001. Respondents graduated him from his Doctor of Education (Ed. D.) degree program effective May 6, 2001 and terminated him from the same graduate program effective November 21, 2001.

**Subsidiary Question for Question (e):**

Whether the Supreme Court of the United States would override judgements of the faculty if it is such a substantial departure from accepted academic norms as to demonstrate that the person(s) or committee responsible did not actually exercise professional judgement?

## LIST OF PARTIES

PETITION FROM THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

CHRISTOPHER N. AMAECHI,

*(Complainant-Appellant-Petitioner)*

v.

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF KENTUCKY, THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AT THE UNIVERSITY OF KENTUCKY, MICHAEL T. NIETZEL, DEAN OF GRADUATE SCHOOL, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY, AND RICHARD ANGELO, CHAIR OF THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AND GRADUATE FACULTY MEMBER, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY, *(Defendanst-Appellees-Respondents).*


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(859) 225-4714

## DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST

CHRISTOPHER N. AMAECHI,

*Plaintiff-Appellant-Petitioner*

********

Petitioner makes the following disclosures pursuant to the United States Supreme Court's Rule 29.6

1. Is said party a subsidiary or affiliate of a publicly owned corporation?

**NO**.

2. Is there a publicly owned corporation, not a party to the petition, that has a financial interest in the outcome?

**NO**.

C.N. Amaechi

CHRISTOPHER N. AMAECHI
Petitioner

05/10/05
DATE

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## CONCISE STATEMENT OF THE BASIS FOR REHEARING IN THE U.S. SUPREME COURT

Christopher Nnamdi Amaechi (hereafter Plaintiff-Appellant-Petitioner "Amaechi") states that the absence of an Attorney to represent him in a case of this magnitude is an intervening circumstance of a substantial or controlling effects. He filed his Petition for Case No. 04-1091 without a legal representation because his Attorney Linda J. West (Esq.) said she is not admitted to the Bar of the United States Supreme Court. Amaechi unable to find an attorney is filing this Petition for Rehearing under Rule 44 with limited knowledge from filing the Petition for a Writ of Certiorari for Case No. 04-1091. In addition to previous 33 exhibits presented in the Petition for a Writ of Certiorari, Amaechi has included thirty-four (34) more exhibits (Apx. 11 – 34; pp. 11 to 103) herein on *grounds* as stated in the Second Amended Complaint in Apx. 1 pp. 11-38 herein; on questions for review, subsidiary questions for review, all exhibits and facts presented, arguments, and related case laws, constitutional, statutory, and on regulatory provisions believed to confer on the United States Supreme Court's jurisdiction to review. This Petition for Rehearing is restricted to the grounds specified in this paragraph and it is presented "in good faith and not for delay".

The first paragraph herein is presented and signed on p. 104 as "Certification of a party unrepresented by counsel".

## CONSTITUTIONAL, REGULATORY, AND STATUTORY PROVISIONS BELIEVED TO CONFER ON THE U.S. SUPREME COURT'S JURISDICTION TO REVIEW VERBATIM QUOTATION REQUIRED UNDER RULE 14.1(f)

## CONSTITUTIONIONAL PROVISIONS TO REVIEW:

KY CONST. § 1

"Rights of life, **liberty**, worship, pursuit of safety and happiness, free speech, acquiring and protecting **property**, peaceable assembly, redress of grievances, bearing arms…"

Source: **http://www.lrc.state.ky.legresou/constitu/oo1.htm**

KENTUCKY CONSTITUTION § 183

"The General Assembly shall, by appropriate legislation, provide for efficient system of common schools throughout the state"

**Source:**
**http://www.lrc.state.ky.us/legresou/constitu/183.htm**

U.S. CONST. Amendment XIV (14)

"All persons born or naturalized in the in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" [E.D.

Reutter Jr. (1985) The Law of Public Education, (3rd Edition) p. 904].

U.S. CONST. Amendment XIV (14) § 1

...no state shall "deny to any person within its jurisdiction the **equal protection** of the laws".

## REGULATORY PROVISIONS TO REVIEW:

REGULATION - UNIVERSITY OF KENTUCKY (UK)

"The University of Kentucky is committed to a policy of providing educational opportunities to all qualified students regardless of economic or social status, and will not discriminate on the basis of race, color, religion, sex, marital status, beliefs, age, national origin, sexual orientation, or physical or mental disability. Compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination, and with Title VI of the Civil Rights Act of 1964 is coordinated by Mr. Terry Allen, Affirmative Action Officer, 8 Administration Building, (859) 257-8927". **Source:** 2000-2002 University of Kentucky Graduate School Bulletin - Compliance with Regulations, p. 2)."

Title VI of Civil Rights Act of 1964

"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance". (Reutter, E. E. 1985, p. 905). The Law of Public Education (3rd. Edition). The Foundation Press, Inc. Mineola, New York

## STATUTORY PROVISIONS TO REVIEW:

KENTUCKY STATUTE K.R.S. § 157.310

"It is the intention of the General Assembly to assure substantial equal public school educational opportunities for those in attendance in the public schools of the Commonwealth ...."

20 U.S.C. § 1703 (a). Equal Educational Opportunities Act.

"No state shall deny equal educational opportunities to an individual on account of his or her race, color, sex, or national origin, by ... the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools..."

20 U.S.C. § 1703 (b) Equal Educational Opportunities Act.

"No State shall deny equal educational opportunity to an individual on the account of his or her race, color, sex, or national origin...the failure of an educational agency which has formerly practice such deliberate segregation to take affirmative steps...to remove the vestiges of a dual school system."

28 U.S.C. § 1331 Federal Questions:

"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States". "Administrative Procedure Act waves sovereign immunity under federal question jurisdictional statute." A.E. Finley & Associates, Inc. v. U.S., C.A. 6 (Tenn.) 1990, 898 F. 2d 1165.

28 U.S.C. § 1331

"Statute conferring federal question jurisdiction under 28 U.S.C. § 1331 is not general waiver of sovereign immunity, but merely establishes subject matter that is within competence of federal courts to entertain." *Coggeshall Development Corp. v. Diamond, C.A. I. (R.I.)* (1989), 884 F.2d 1.

42 U.S.C. § 1981

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts to sue, be parties, give evidence and to the full and equal benefits of all laws and proceedings for the security of persons and property as is enjoyed by white citizens and shall be subject to like punishment, pains penalties, taxes, licenses, and exactions of every kind, and to no other".

42 U.S.C. § 1983

"Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress [E.D. Reutter Jr. (1985) The Law of Public Education, (3rd Edition) p. 907].

## STATEMENTS OF THE CASE

Christopher Nnamdi Amaechi (Plaintiff-Appellant-Petitioner - "Amaechi") and his spouse and four children are citizens of the United States and residents of Kentucky.

The exhibits presented in Appendix **1-to-34,** pp.11-103 herein were not presented on Petition for a Writ of Certiorari for Case No. 04-1091 due to those "intervening and substantial circumstances of..." stated on p. 104 herein.

Though limited to those intervening circumstances of a substantial or controlling effects on p. xvi, the Petitioner wishes to use the exhibits presented herein to prove that the University of Kentucky, et, al. listed on p. vi herein and within its jurisdiction *discriminated* against Amaechi on the basis of his *race, color and* or *national origin*, by denying him of his rights to ***Equal Protection*** Clause guaranteed under the Fourteenth Amendment to the United States Constitution, and abandoned him after he passed his qualifying examination at the university and deprived him of his rights to enforce contract guaranteed under 42 U.S.C § 1981, 42 U.S.C. § 1983, and 28 U.S.C. § 1331. That the said Respondent arbitrarily deprived him of his liberty for equal access to educational activities by denying him the **Equal Protection** of the laws guaranteed under U.S. CONST. Amendment XVI (14). See Complaint Apx. **1** pp. 11 to 38.

**(a).** ***Proof - Type(s) of Amaechi's Complaint on Record***

Plaintiff's Second Amended Complaint filed on 2/19/2003 shows, he alleged, Defendants deprived him of his constitutional and civil rights and breached his contract. See Apx. **1**, p.12, para. 2; pp. 12-13, para. 3.

The Civil Docket for Case #: 5:02-CV-00241-JMH shows records of entry for this case. See Apx. **2**, pp. 39-48 [R12: Date: 02/19/2003] p. 42.

The General Docket for Case #: 03-6410 also shows additional records of entry for this case. See Apx. **3**, pp.48-55. [R: Filing Date: 11/3/03].

**(b).** ***Proof - Discrimination based on race, color, & or national origin-Procedural-Equal Protection...***

Respondents abandoned Amaechi from the Doctor of Education (Ed. D.) degree program after he passed his qualifying examination on 9/10/1998. See Apx. **4**, pp.56-57.

However, doctoral degree candidates who were Caucasian passed the same examination as did Amaechi but were not abandoned after passing the same examination. There were no other doctoral candidates who went through that process, as did Amaechi. See Apx. **12**, pp. 68-69. As a result of that abandonment he became concerned and felt helpless. He describes that *treatment* of him as ***disparate.***

Dr. Angelo and Amaechi were having racial tensions before Angelo became Amaechi's Major Advisor by *imposition*. See Apx. **1** p.15 para. 13, pp.16 &17 para. 19, p.20 para. 32, p.20 para. 33, and p.20 para. 35. Five **(5)** months (October 22, 1999 through March 21, 2000) later Angelo e-mailed members of the EPE Graduate Faculty expressing in part his **intent** to remove Amaechi from the Graduate School. See Apx. **5**, pp.57-60. Amaechi did not know about that e-mail until months after filing his complaint. Amaechi states that Respondents purposefully and intentionally *imposed* Angelo on him for termination.

That e-mail was a process Respondents designed for Amaechi's termination because, *"...There were no other doctoral candidates who went through the termination*

*process as did Amaechi"*. See Apx. **12**, pp. 68-69. Amaechi was humiliated by those repeated ***disparate*** treatments of him and yet, cautiously optimistic for a better future.

Petitioner asked Dr. Kifer if he could please chair or co-chair Amaechi's committee. Dr. Kifer told Amaechi that he does not chair or co-chair a dissertation committee. See Apx. **1**, p. 19 para. 30. However, Amaechi discovered a year later that Dr. Kifer co-chaired Dr. Doris N. Stilwell's dissertation committee at the University of Kentucky with Dr. Fred Danner also at the university. See Apx. **10**, p. 66.

Dr. Edward S. Kifer advised Amaechi to use for Amaechi's dissertation an "SPSS Data File" that was not approved by the committee. See Apx. **6**, pp. 60-62. Amaechi had trusted Dr. Kifer prior to that incident but said no and thereafter Dr. Kifer became unkind to Amaechi.

In addition, Dr. Kifer appeared unsure he had advised Amaechi to use that SPSS Data File not approved by Amaechi's committee for a dissertation; Apx. **7**, pp. 62-63.

Dr. Kifer later admitted that there were some differences between his SPSS Data File and Amaechi's SPSS Data File. See Apx. **8**. p. 64. Subsequently, Amaechi began to wonder if Dr. Kifer's sudden behavioral changes were because of Amaechi's decision to write a dissertation from the committee approved SPSS Data File.

Furthermore, in Amaechi's letter to Dr. Kifer on 1/9/2001, Amaechi wanted to know if Dr. Kifer would review Amaechi's Analyzed Satisfaction Data beyond the reliability of satisfaction scale and frequencies of Missing N; Apx. **9**, pp.64-65 Amaechi could not understand why Dr. Kifer's behaviors became very unpredictable at that point.

One U.S. born citizen enrolled in the same Doctor of Education (Ed. D.) degree program in EPE as did Amaechi but a semester earlier than Amaechi. Amaechi was

terminated but this person was not. See Apx. **10**, pp. 66. On that ground, national origin became a factor.

Petitioner had applied for a TA position in EPE Department as stated in Apx **1** p.18 para. 24. Respondents hired some doctoral degree candidates who were Caucasian over Amaechi for those TA positions; Apx. **11.** pp. 66-68, and Apx **1** p.18 para. 25. As a result, Amaechi felt abused because Respondents purposefully *deprived* him of his right to enforce the agreement signed on 6/28/95. See Apx. **1** pp.14-15, para. 12. Amaechi was very qualified. See Apx. **1** p.28, para. 59 as part of his experience for that position yet; he was *denied* equal educational opportunity to receive that practical teaching assistants (TA) experience due to his race.

Respondents have already admitted, ***"...There were no other doctoral candidates who went through the termination process as did Amaechi"***. See Apx. **12,** pp. 68-69. That admission clearly speaks to Amaechi's experiences and feelings. Respondents intentionally denied and deprived him of his constitutional and civil rights.

Respondents *chose* Dr. Michael T. Nietzel in advance to be Amaechi's outside reader and to judge Amaechi's final dissertation. See Apx. **13**, pp. 69-71. That treatment was inconsistent with Respondents policies. See Apx **1**. p.15 para. 14, and a repeat of Dr. Angelo's mistreatments of Amaechi. See Apx. **1,** p. 20 para. 35. As a result of various impositions of university officials on Amaechi over his objections, ***without a hearing or a notice for one***, he began to question his *self-worth and dignity*. Doctoral degree candidates in the EPE program who were Caucasian did not receive the same disparate treatments as did Amaechi.

Respondents notified the Graduate School of their *intent* to schedule a final examination for Amaechi. But, according to the EPE Doctoral Program Guidesheet, the

Major Professor (Dr. Angelo) had to say "OK," that the dissertation was ready to be defended. He did not say "OK,". Yet, Respondents scheduled that final exam. See Apx. **14**, pp. 71-73. Such repeated and disparate treatments of Amaechi that began between June 1995 and Fall 1997 as in Apx. **1** p.15 para. 13 intensified in an on-going basis after he passed the qualifying examination on September 10, 1998. Caucasian students who were enrolled in the same program did not receive the same treatments as Amaechi was receiving for the same behavior. At that point Amaechi concluded that those disparate, repeated and purposeful treatments of him are forms of racial discrimination and must be because of his race, color, and or national origin.

**(c).** ***Proof - UK has a History of Racial Discrimination***

About 1948, Lyman T. Johnson (African-American) male was denied admission to UK's Graduate School on the basis of his ***race***. He sued UK and won. See Apx. **15**, p.75.

*Other Issues of race with the Respondents*

The EPE Department did not hire an African-American Full Graduate Faculty member for over 14 years. Apx. **16**, p. 74. Faculty refused to work with Dr. Harris III (Black) who agreed to co-chair Amaechi's committee with any one of them from that EPE Department. See Apx. **1**, p. 17 para. 22, p. 18, para. 23. Amaechi was distraught because Respondents allowed Caucasian students to have Caucasian Faculty members serve on their dissertation committee.

Respondents responded falsely in the Interrogatories that some African Students on J-1 and F-1 Visas graduated from the EPE doctoral program were African-Americans and or U. S. Citizens which they were not. Apx. **17**, pp.74-75.

**(d).** ***Proof - Breach of Agreement and or of Contract***

Respondent *denied and deprived* Amaechi of his rights to enforce the agreement he signed with Respondent

on 6/28/95; Apx. **18**, pp.75-76; Apx. **1**, p. 14-15 para. 12; p. 30, pare. 65. The Respondent hired Caucasian students identified in Apx. **11** pp.66-68 for TA positions over Amaechi. He believes he was denied an adequate training for college teaching due to his race, color and or national origin.

**(c).** ***Proof – Claim under Substantive Due Process…***

***… A Shock of Conscience - deprivation of …***

Here is the genesis of Amaechi's dissertation research at the University of Kentucky. In 1909, Emile Durkheim wrote: *"Sociology must not be a simple illustration of ready-made and deceptive truisms, it must fashion discoveries which cannot fail to upset accepted notions".* Collins, R. (1994). The Four Sociological Traditions: New York, NY. Oxford University Press.

Amaechi (2001) studied Undergraduate Student Satisfaction with...Experiences from Academic Services (AS) and Non-Academic Services (NAS) at the University of Kentucky. His committee approved his proposal to re-investigate the 1997 Satisfaction Survey Data that UK had viewed though the ideas of *"Performance Gap".*

Through that investigation Amaechi discovered that ***"Performance Gap"*** was in use for decision-making and policy formulations in education across the U.S.; however, it is not a true outcome of education that some practitioners believe it to be. It is a ready-made and deceptive truism undermining outcomes of education across the United States.

Over 800 institutions across the United States use *"Performance Gap".* It has the potential to destroy the United States' future embarked on education. See Apx. **19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,** and **34** pp. 76-103 to briefly understand the danger it poses and Respondents' intolerance of Amaechi's discovery.

Amaechi's first research report or dissertation was submitted to his committee on February 27, 2001. See Apx. 1, pp.23-24 para. 44, and the revised draft on April 30, 2001. See Apx. 1, p. 24 para. 45. Amaechi proposed to graduate on May 6, 2001. See Apx 1, p. 24 para. 45. He was graduated while he was revising his dissertation. He discovered he was graduated after filing his Second Amended Complaint.

Respondents had purposefully and intentionally e-mailed the EPE Faculty on 3/21/ 2000 as in Apx. 5, pp. 57-60 in part for Amaechi's termination executed on 11/21/2001 and in retaliation for Apx. 1, p. 19 para. 29 and for Apx. 1 p. 20, para. 33 and despite his successes as in Apx. 1, p. 28 para. 59; Apx 1, p. 24, para. 45. His termination was pre-meditated; his disparate treatments prior to termination were also arbitrary, intentional or purposeful, capricious, and a substantial departure from the accepted academic norm.

## Arguments

**(a).** ***Type(s) of Complaint***

In *Hansen v. Western City School District*, (1994), No. 93-3231, U.S. App. LEXIS 31576, at *25 (6th Cir. Nov.) the court ruled: "Municipalities, such as the School and the Board, are "persons" subject to suit under 42 U.S.C. § 1983" and Amaechi's complaint is in one accord with that decision.

**(b).** ***Claim under Procedural Due Process ...***

***Discrimination based on race, color, &,'ntl. Origin***

Petitioner (Amaechi) has demonstrated with his exhibits presented and summarized in part as follow: Respondents abandoned Amaechi after he passed the qualifying examination, deprived him of the opportunity to participate in the TA program as was agreed to on June 28, 1995, used e-mail on 3/21/2000 to plan for Amaechi's

termination; attempted on 11/6/2000 to deceive him with the wrong SPSS Data File, ***imposed*** Dr. Angelo on him on 10/22/99 to be his academic advisor, ***imposed*** Dr. Nietzel on him on 3/6/2001 to be his outside reader without an **"OK,"** from Dr. Angelo and a substantial departure from academic norms. It was a different process for graduation than was in use as in *"EPE Doc. Prog. Guidesheet"* / K.R.S. § 157.310.

Respondents can not deny or dispute any of the exhibits and or facts presented herein that doctoral degree candidates in the EPE Department who were Caucasian were not subjected to the same treatments, as they did to Amaechi. Analogous to existing case laws as in *Black v. Barberton Citizens Hosp.*. (1998); 134 F.3d 1265, 1267 (6th Cir.), *Doe v. Fordham University* (1999); 56 F. Supp. 2d 330, 337 (S.D.N.Y.) and in *Soper v. Hoben,* (1999); 195 F. 3d 845, 852 (6th Cir.); Amaechi contends that in this instant case the Respondents ***discriminated*** against him on the basis of his ***race*** and ***denied*** him of his constitutional rights guaranteed under Equal Protection Clause of the U.S. CONST. Amendment XIV (14) § 1 and in 20 U.S.C. § 1703 (a & b).

Petitioner contends that disparate treatments of him were purposeful or intentional, denying him a right to equal educational opportunities that the State of Kentucky has chosen to protect under K.R.S. § 157.310/*Rose v. Council for Better Education Inc.* (1989), 790 S.W.2d 186, 60 Ed. Law Rep. 1289. Analogous to *Gallagher v. Pontiac School Dist.* (1986) 807 F. 2d 75, 79 (6th Cir.); *Soper v. Hoben,* (1999) 195 F. 3d 845, 852 (6th Cir.) & *County of Sacramento v. Lewis* (1998) 523 U.S. 833, 841 n. 5; Respondents *denied* Amaechi the same opportunities to chose advisors as did Caucasian students under U.S. CONST. Amendment XIV.

**(c). Respondent has a History of Race Discrimination**

This Petitioner is **not** the only African-American male that has filed a complaint of race *discrimination* and or

of a *breach of contract* against the University of Kentucky after Lyman T. Johnson's (1948/49) case. Respondents are presumed guilty of purposeful discrimination based on the past history as was ruled in Dayton Bd. of Educ. Brinkman, (1979); 433 U.S. 526, 535-538.

**(d).** ***Breach of agreement or contract.***

In Doe v. Fordham University, (1999) 56 F. Supp. 2d 330, 337 (S.D.N.Y.) the Court ruled; to state a claim of breach of contract under 42 U.S.C. § 1981, Plaintiff must allege that he is a member of a racial minority. Amaechi's membership is in one accord with that case law. In addition, in Browning v. Pendeleton, (1989); 869 F. 2d 989 (6th Cir.), the Courts ruled, Plaintiff must show that statute of limitation for claims of discrimination under 42 U.S.C. §§ 1981 and 1983 had not passed before filing a complaint. Similarly, Amaechi was terminated effective November 21, 2001, and he filed his initial complaint on 05/15/2002.

Both parties signed an agreement on June 28, 1995 for various obligations, and Respondents none demonstrated a strict scrutiny for its breach. See Nabozny v. Podlesny (1996), 92 F. 3d 446; 454 (7th Cir.). Consequently, Amaechi did not receive the practical teaching experience in the degree program as was agreed to on June 28, 1995 depriving him of his right to enforce that contract. A deprivation that is liable under 42 U.S.C §§ 1981, 1983, the Equal Protection guaranteed under the Fourteenth Amendment, and under 20 U.S.C. §§ 1703 a & b. It was alleged caused by a person acting under color of state law as to Black v. Barberton Citizens Hosp., (1998); 134 F.3d 1265, 1267 (6th Cir).

**(e).** ***Claim under Substantive Due Process...***

***... A Shock of Conscience – Deprivation of ...***

The Petitioner paid for all of the materials (i.e. papers, pens, pencils, ink, computer hardware and software,

printing, bindings, etc) to produce his report (or dissertation) at no financial cost to Respondents. Hence, is his property.

Respondents *can not* deny any part of Amaechi's reports herein: **1).** *"Performance Gap"* is **NOT** a measure of Student Satisfaction. **2).** *"Performance Gap"* is the difference between satisfaction score and importance score obtained with two different scales each with different response choices. **3).** There was no scale with which to measure "Performance Gap". **4).** UK has used measures of "Performance Gap" for policy decisions on education. **5).** Amaechi developed S1-E-S2 model, an adequate alternative to *"Performance Gap"*. **6).** Amaechi's committee received his 2/27/2001 and 4/30/2001 reports, and terminated him on 11/21/2001. Hence, he contends that his termination after his scientific discovery was arbitrary and capricious and shocks the conscience as to *Braley v. City of Pontiac* (1990), 906 F. 2d 220, 224 (6th Cir.). [FN11]. Amaechi contends that a person or committee responsible for his termination did not actually exercise professional judgement as to *Regents of the University of Michigan v. Ewing* 474 U.S. 214 (1985) at 225.

***Conclusion***

The University of Kentucky claims to comply with state and federal regulations not to discriminate on the basis of race, color, and or national origin. The facts, herein presented along with preponderance of evidence and case laws cited show that Respondent unlawfully discriminated against Amaechi on the basis of his race, color and or national origin, and breached his contract. Hence, Amaechi seeks remedies as stated in Apx. 1. pp. 36-37. He respectfully requests the Supreme Court of the United States to *please* protect his constitutional and civil rights, and to overturn the Order and Judgements of the lower Courts.

CASE NO. 04 - 1091

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IN THE

SUPREME COURT OF THE UNITED STATES

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CHRISTOPHER N. AMAECHI

*Petitioner*

v.

UNIVERSITY OF KENTUCKY,
COLLEGE OF EDUCATION et al.

*Respondents*

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ON PETITION FOR A REHEARING OF JUDGEMENT ON CASE NO. 04-1091 IN THE SUPREME COURT OF THE UNITED STATES

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APPENDIX

PETITION FOR A REHEARING

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Christopher Nnamdi Amaechi
Petitioner
P. O. Box 2371
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(606) 878-2389

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**APPENDIX 1**

**(CASE NO. 04-1091)**

**PLAINTIFF'S SECOND AMENDED COMPLAINT TENDERD ON 2-14-03 AND FILED ON 2/19/2003 SHOWS THAT HE ALLEGED THAT DEFENDANTS DENIED AND DEPRIVED HIM OF HIS CONSTITUTIONAL AND CIVIL RIGHTS**

**"IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY AT LEXINGTON**

**CIVIL ACTION NO. 02-241-JMH**
**CHRISTOPHER N. AMAECHI**

**PLAINTIFF**

**VS.** **SECOND AMENDED COMPLAINT**

**UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION, THE BOARD OF TRUSTEEES FOR THE UNIVERSITY OF KENTUCKY, THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AT THE UNIVERSITY OF KENTUCKY, MICHAEL T. NIETZEL DEAN OF GRADUATE SCHOOL, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY AND RICHARD ANGELO, CHAIR OF THE DEPARTMENT OF EDUCATIONAL**

***POLICY STUDIES* AND EVALUATION AND GRADUATE FACULTY MEMBER, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY.**

**DEFENDANTS**

**********

Comes the Plaintiff, Christopher N. Amaechi (hereinafter "Amaechi"), by and through counsel, and for his second Amended Complaint against the Defendants, states as follows:

**JURISDICTION AND VENUE**

1. That this Court has subject matter jurisdiction over the Amaechi's federal civil rights claims pursuant to 28 U.S.C Section 1331. The court also has supplemental jurisdiction of Amaechi's state law claims pursuant to 28 U.S.C. Section 1367.

2. That Amaechi aver that the individual Defendants, acting singly and in concert, under color of Law, deprived Amaechi of his civil right to equal protection guaranteed under the **Fourteenth Amendment of the United States Constitution,** and to the right to enforce contracts and to the full and equal benefits enjoyed by white citizens of the United States as provided by 42 U.S.C. Section 1981 all in violation of 42 U.S.C. Section 1983.

3. The Amaechi aver that the University of Kentucky, and the College of Education and the Board of Trustees for the University of Kentucky, and the Department of Educational Policy Studies and Evaluation and Michael T. Nietzel, Dean of Graduate School, at time relevant herein and Richard Angelo, Chair of the Department of Educational Policy Studies and Evaluation and the Graduate Faculty

Members deprived Amaechi of his civil rights under color of law, by virtue of said Defendants policies, procedures, practices and/or custom that were the motivational force or affirmative link, that caused the wrongful conduct of this individual. Defendants deprived Amaechi of his civil rights under color of law in violation of 42 U.S.C. Sections 1983. The Defendants terminated Amaechi from his Doctor of Education (Ed. D.) degree program during Amaechi's years of eligibility in the program. The Defendants breached the June 28, 1995 Doctor of Education (Ed. D.) degree program agreement between them and Amaechi in violation of 42 U.S.C. Section 1983.

4. That this court has jurisdiction over Amaechi's state claims of tortious violation of a common law right of fair procedure and tortious interference with the Doctor of Education degree program contract by virtue of 28 U.S.C. Section 1367.

5. That the acts herein complained of occurred within Fayette County, in the state of Kentucky, and Venue of such matters as complained of herein is placed in the United States District Court for the Eastern District of Kentucky at Lexington.

**PARTIES**

6. That the Amaechi is a Black Naturalized Citizen of the Commonwealth of Kentucky and of the United States of America and is a resident of the State of Kentucky, Laurel County, and resides at 166 Ravenwood Lane, London, Kentucky 40743.

7. That the Defendant University of Kentucky and the College of Education, and The Board of Trustees for the University of Kentucky and the Department of Educational Policy Studies and Evaluation at the University of Kentucky and Dr. Michael T. Nietzel Dean of Graduate School in his

official capacity for the University of Kentucky and Dr. Richard Angelo, Chair of the Department of Educational Policy Studies and Evaluation in his official capacity for the University of Kentucky and Graduate Faculty Member (hereinafter Defendant) is a non-incorporated association of person subject to the jurisdiction of this court pursuant to 28 U.S.C Section 1331, and 28 U.S.C. Section 1367.

8. That the University of Kentucky and the College of Education and the Board of Trustees for the University of Kentucky and the Department of Educational Policy Studies and Evaluation at the University of Kentucky agent for service of process is A. B. Chandler III Attorney General, 118 State Capitol, 700 Capital Avenue, Frankfort, Kentucky 40601.

9. That the Defendant Dr. Richard Angelo in his official capacity as Faculty and then Chair of the Department of Educational Policy Studies and Evaluation can be served at the College of Education, 131 Taylor Education Building, University of Kentucky, Lexington, Kentucky 40506.

10. That Dr. Michael T. Nietzel in his official capacity as Dean of the Graduate School at the University of Kentucky (now Provost) can be served at Office of the Provost, 106 Gillis Building, University of Kentucky, Lexington, Kentucky 40506-0033.

**FACTS**

11. That on January 12, 1995 Amaechi applied for admission into the EPSE Doctor of Education (Ed. D.) Degree program in the Department of Educational Policy Studies and Evaluation at the University of Kentucky.

12. That on June 28, 1995 both Dr. Richard Angelo (then Director of Graduate Studies) and the Plaintiff (Amaechi) signed the Doctor of Education (Ed. D.) degree

program agreement giving Amaechi the contractual right to pursue the Ed. D. degree.

13. That between June 1995 and Fall 1997 Amaechi met with Dr. Richard Angelo at two different times and asked for permission to register in Dr. Richard Angelo's History of Education Course. Dr. Richard Angelo told Amaechi not to take any of his classes because he (Dr. Richard Angelo) did not believe that Amaechi could make a grade higher than a **"C"** in any of Dr. Richard Angelo's classes. The reason that Dr. Richard Angelo stated for his belief is that Black males do not write well.

14. That during this period, Amaechi reminded Dr. Richard Angelo that the **"EPE Doctoral Program Guidesheet"** encourages each student to take a course from each faculty member before choosing a committee member. Dr. Richard Angelo then told Amaechi that he had no interest in serving on any of Amaechi's committees. Dr. Richard Angelo then recommended to Amaechi to take courses from Dr. John R. Thelin who would be teaching History of Higher Education courses.

15. That in Spring 1997 Amaechi's "Program Plan" was approved by his Program Advisory Committee with Dr. Beth Goldstein serving as the Program Committee Chairperson.

16. That on September 10, 1998 Amaechi passed his "Qualifying Examination". He then received a letter of congratulation dated September 11, 1998 from Dr. Beth Goldstein with a copy of page 18 of the 1996-1998 UK Graduate School Bulletin on time limit for degree completion enclosed. After passing the Qualifying Examination, Dr. Beth Goldstein stepped down, and declined to serve as Amaechi's Dissertation Chairperson. The reason Dr. Goldstein gave to Amaechi for declining to serve as his

Dissertation Chairperson was that Amaechi had earned over 20 graduate hours in Quantitative Research Methods. Dr. Goldstein reminded Amaechi to write his Dissertation with the skills he had developed in this area and that she did not have the expertise in Quantitative Research Methods to guide Amaechi through the Dissertation phase.

17. That between Fall 1998 and October 21, 1999 Amaechi begged many faculty members in the Department of Educational Policy Studies and Evaluation (EPE) to serve as his Major Advisor and or Chair of his Dissertation Advisory Committee. Dr. Jane M. Jensen was new to EPE Department at the time and yet she agreed to serve as Amaechi's Dissertation Committee Chair. The Graduate School had told Amaechi that Dr. Jensen must co-chair a Dissertation Committee with a full Graduate Faculty Member. No person in the Department of EPE agreed to co-chair Amaechi's Doctoral Dissertation Advisory Committee with Dr. Jane M. Jensen, and subsequently, she stopped helping Amaechi.

18. During this period, Dr. John Harris III (an African-American) faculty member in the Department of Educational Administration and Supervision who was serving on Amaechi's Program Committee at that time agreed to co-chair Amaechi's Dissertation Committee with any faculty member in the EPE Department. No one in the Department of Educational Policy Studies and Evaluation (EPE) agreed to co-chair Amaechi's Dissertation Advisory Committee with Dr. John Harris III.

19. That Dr. Richard Angelo became the Chair of the Department of Educational Policy Studies and Evaluation (EPE). Dr. Richard Angelo required Amaechi to explore 12 different dissertation topics, write a page summary of each topic, and defend each topic before him and Dr. Emmanuel Okorli a non tenured professor who was black. Dr. Richard

Angelo's reason for requiring Amaechi to explore 12 different dissertation topics and defend each was an unusual practice in the EPE Department and was because Amaechi was black and because Amaechi was trying to enforce his rights to enforce contract and to enjoy the same rights, privileges and benefits as white citizens pursuant to 42 U.S.C. Sections 1981.

20. That Amaechi did exactly what he was told to do. Dr. Richard Angelo chose a topic on "Comparing the Relationships between Astin's (1984) Principles of "Involvement" and Mulkey's (1993) Principle of "Socialization": A Closer Look at Student Experience in Extracurricular Activities. That Amaechi then began to develop a dissertation proposal on the topic.

21. That Dr. Angelo told Amaechi that since no person in the Department of Educational Policy Studies and Evaluation had agreed to serve as Amaechi's Major Professor and or Chair of Amaechi's Dissertation Advisory Committee, then he (Dr. Richard Angelo) will chair Amaechi's Dissertation Advisory Committee as the Chair of the Department of Educational Policy Studies and Evaluation **and Amaechi said no.**

22. That Dr. Richard Angelo and Dr. Alan J. DeYoung each separately told Amaechi that Amaechi will have difficulties graduating from the EPE Department if Dr. John Harris III (African-American) continued to serve on Amaechi's committee. The reason both Professors Angelo and DeYoung gave to Amaechi for not wanting Dr. John Harris III on Amaechi's committee was that Dr. John Harris III had issues with the EPE Department when he was the Dean of the College of Education. **Amaechi believes that white students enjoy the benefit of white professors serving on their committees.**

23. That Amaechi shared Dr. Richard Angelo's, remarks about Dr. John Harris III, and Dr. Alan J. DeYoung's remarks about Dr. John Harris III with Dr. John Harris III. Dr. John Harris III then replied that if his membership on Amaechi's committee will prevent Amaechi from graduating from the Department of Educational Policy Studies and Evaluation (EPE) that he (Dr. John Harris III) decided to remove himself from Amaechi's committee. That at that time period, Dr. John Harris III was helping Amaechi to obtain survey instruments from Dr. John Bean and Dr. George Kuh of Indiana University Bloomington, Indiana for a study Undergraduate Student Satisfaction at UK.

24. That on February 24, 1999 Amaechi applied for a Teaching Assistantship position in the Department of Educational Policy Studies and Evaluation (EPE).

25. That on April 9, 1999 Dr. Richard Angelo hired a less qualified white candidate for the Teaching Assistantship position in EPE Department over Amaechi.

26. That on **July 17, 1999** Amaechi wrote a Memorandum to Dr. Michael T. Nietzel as an official request for a Major Advisor to Chair Amaechi's Dissertation Advisory Committee.

27. That on *May 5, 1999* Dr. John R. Thelin declined a request from Dr. Douglass S. Kalika (Associate Dean of the Graduate School) dated *April 22, 1999* to serve as a Major Professor and a Dissertation Chair for Amaechi, and a written letter of acknowledgement of Dr. John R. Thelin by Amaechi dated *May 3, 1999* in which Amaechi accepted Dr. John R. Thelin as a Major Professor and Committee Chair.

28. That on **May 21, 1999** Dr. Robert Shapiro (Associate Dean of the College of Education) wrote a letter to Amaechi reminding him that he was making efforts to find

a person in the Department of EPE to Chair Amaechi's Dissertation Advisory Committee.

29. That on or about July 17, 1999, Amaechi met with Dr. Michael T. Nietzel in his office in Patterson Office Towers and shared the discouraging, demeaning, and dehumanizing experiences he (Amaechi) was receiving from Dr. Richard Angelo. That in a previous meeting between Amaechi and Dr. Michael T. Nietzel on or about July 7, 1999 Amaechi appealed to Dr. Nietzel to appoint Dr. Edward (Skip) Kifer as a Chairperson for Amaechi's Dissertation Committee since Dr. Edward (Skip) Kifer was aware of the concept, methods, and expositions that Amaechi was using for the dissertation research project. Dr. Michael T. Nietzel then told Amaechi that Dr. Edward (Skip) Kifer does not chair or co-chair anyone's dissertation committee. At the meetings on or about July 7, 1999 and July 17, 1999 with Dr. Michael T. Nietzel, Amaechi **requested not to have Dr. Richard Angelo on his committee** for the reasons Amaechi had addressed in his letters to Dr. Richard Angelo **dated July 7, 1999 and July 24, 1999.**

30. That at the end of each meeting with Dr. Michael T. Nietzel on about July 7, 1999, and July 17, 1999 Dr. Michael T. Nietzel told Amaechi to visit with Dr. Edward (Skip) Kifer again and ask him to serve as a Chairperson for Amaechi's Dissertation Committee. Amaechi went back to Dr. Edward (Skip) Kifer and asked him and begged him to serve as his dissertation chairperson and asked if he could co-chair Amaechi's dissertation committee with someone. Dr. Edward (Skip) Kifer declined to either chair Amaechi's Dissertation Committee and or to co-chair Amaechi's Dissertation Committee with someone.

31. That on July 7, 1999 Amaechi wrote a letter to Dr. Richard Angelo expressing fear of retaliation from the Department of Educational Policy Studies and Evaluation

since Amaechi had already told Dr. Michael T. Nietzel the sufferings Dr. Richard Angelo was subjecting Amaechi to in the absence of a Dissertation Chairperson.

32. That on July 22, 1999 Dr. Richard Angelo replied Amaechi's letter to him dated July 7, 1999 and alleged that "Amaechi had rejected more than one faculty member in the Department of Educational Policy Studies and Evaluation as an advisor...". The allegation caused Amaechi much grief because it was false.

33. That on **July 24, 1999** Amaechi wrote a letter to Dr. Richard Angelo expressing concerns about various forms of humiliating experiences that Amaechi was continuing to receive from Dr. Richard Angelo. Amaechi ended the letter by stating thus: "Overall, I do not feel safe with you as my advisor...". Amaechi mailed a copy of the letter to Dr. Michael T. Nietzel and hand delivered a copy of the letter to other deans as well.

34. During this period, Amaechi made an appointment with Dr. Robert Shapiro (Acting Dean of the College of Education) asking for assistance to minimize the hostility against Amaechi in the Department of EPE. Dr. Robert Shapiro informed Amaechi that he had spoken with Dr. Richard Angelo about the charges Amaechi had made in the July 24, 1999 letter against Dr. Angelo. According to Dr. Shapiro, Dr. Richard Angelo told him (Dr. Robert Shapiro) that he was trying to motivate Amaechi.

35. That on **October 22, 1999** Dr. Michael T. Nietzel (Dean of the Graduate School) appointed Dr. Richard Angelo to Chair Amaechi's Dissertation Advisory Committee despite Amaechi's strong opposition to the appointment of Dr. Richard Angelo on Amaechi's Dissertation Advisory Committee.

36. That on about March 23, or 24 1999 members of Amaechi's program committee (i.e. Informal Dissertation Committee without a formal Dissertation Committee Chair for the Plaintiff) did not allow the Plaintiff (Amaechi) to fully develop the Dissertation Proposal on Exploring the Relationships between Astin's (1984) Principles of Involvement and Mulkey's (1993) Principles of Socialization..." because the Plaintiff did not present to them a copy of the Astin's (1984) Survey Instrument. That in Spring 2000 Amaechi's Dissertation Committee met, and refused to recommend a defense of the Amaechi's Dissertation Proposal Titled: "Exploring the Relationships between the Astin's (1984) Principles of Involvement and Mulkey's (1993) Principles of Socialization: A Closer Look at Student Experiences in Extracurricular Activities" for Dissertation Proposal Defense. Their reason was that Amaechi did not obtain copies of the Survey Instrument that Astin (1984) had used in his development of the "Theory of Involvement". The committee then told Amaechi to develop a different research topic.

37. That during this time period, Dr. John Harris III encouraged Amaechi to use him as a reference in requesting for Survey Instruments from Dr. John Bean and Dr. George Kuh of Indiana University Bloomington, Indiana with which to develop a different research topic. That Amaechi's Dissertation Committee members in the EPE Department subsequently advised Amaechi to use the existing Student Satisfaction survey data that Dr. Connie A. Ray had collected at UK with the Noel-Levitz (1994) Student Satisfaction Inventory. That during this time period, Dr. Richard Angelo then told Amaechi to not consult with him on matters concerning the concepts, methods and expositions that Amaechi would be using in planning and organizing the survey data and in the dissertation writing.

38. That Dr. Richard Angelo delegated his responsibilities for helping Amaechi with concepts, methods, and exposition to Dr. Edward (Skip) Kifer and to Dr. Thomas Janoski. The reason Dr. Richard Angelo gave to Amaechi to see Dr. Kifer and Dr. Janoski for matters concerning the concepts, methods, and expositions was that he Dr. Angelo is a Historian and does not use Quantitative Research Methods.

39. That Amaechi continued to meet with Dr. Edward (Skip) Kifer and Dr. Thomas Janoski on matters associated with concepts, methods, and expositions as Dr. Richard Angelo had instructed Amaechi to do.

40. That on or about **October 11, 2000,** the Plaintiff (Amaechi) successfully defended his Dissertation Proposal topic titled: "Undergraduate Student Satisfaction with Perceived Experiences from Academic Services (AS) and the Non-Academic Services (NAS) at the University of Kentucky" before his Dissertation Advisory Committee and on the first trial. That on **October 13, 2000**, Dr. Richard Angelo sent a Memorandum to the Plaintiff (Amaechi) and congratulated the Plaintiff for a successful defense of the dissertation proposal titled: "Undergraduate Student Satisfaction with Perceived Experiences from the Academic Services (AS) and the Non-Academic Services (NAS) at the University of Kentucky. In the letter Dr. Angelo advised the Plaintiff to seek advice from Professors Janoski and Kifer about the best ways to organize and manipulate the Plaintiff's survey data. That on **October 16, 2000** the Plaintiff addressed a letter to Dr. Richard Angelo in which Plaintiff (Amaechi) summarized his understandings of the Committee's recommendations about the best ways to proceed with the dissertation research and gave the letter to Dr. Richard Angelo.

41. That after Amaechi had submitted the results of the "Reliability Coefficients" of the Satisfaction Scale and of the "Missing Data" on the Satisfaction Items to Dr. Edward (Skip) Kifer, Dr. Kifer then told Amaechi to proceed with data analysis, interpretations of data and with the dissertation writing.

42. That as Amaechi was analyzing the rest of the data, interpreting the findings, and writing the dissertation, he made every effort to show to Dr. Edward (Skip) Kifer the actual results of the various types of analysis Amaechi had done. During this period, Dr. Edward (Skip) Kifer refused to look at more of Amaechi's actual findings or at the methods, concepts and expositions that Amaechi was using except to read the completed dissertation abstract dated February 27, 2001.

43. That no faculty member in the Department of Educational Policy Studies and Evaluation (EPE) either reviewed results of Amaechi's work except the result of Missing Data and of the Reliability Coefficient of the Satisfaction Scale by Dr. Edward (Skip) Kifer. No faculty member in the EPE Department provided Amaechi with a specific guidance with respect to the concepts, methods, and expositions that Amaechi was using during this period. Even then, Amaechi asked for specific guidance from Members of his Advisory Committee in the EPE Department but they chose not to give Amaechi specific guidance but global.

44. That on **February 27, 2001** Amaechi submitted the first draft of his dissertation to members of his Dissertation Advisory Committee. That on February 27, 2001 Dr. Richard Angelo advised Amaechi *to order Doctoral Cap and Gown from UK Bookstore for May 2001 Graduation.* That on February 27, 2001 Amaechi asked Members of his Advisory Committee in the EPE Department for direct guidance on data analysis, methods, concepts and

the expositions he used in writing the first draft of the dissertation, they chose not to give direct guidance to Amaechi.

45. That between **May 7, 2001 and May 15, 2001** the Plaintiff (Amaechi) made telephone calls to some members of his Dissertation Committee after submitting the second draft of the dissertation dated April 30, 2001 to members of his Dissertation Advisory Committee, and asked to know what needed to be corrected in second draft of the Dissertation that the Plaintiff submitted to his committee on April 30, 2001, and because **the Plaintiff was not allowed to defend his dissertation and did not graduate in May 6, 2001 as was proposed by Amaechi and approved by the committee.** At this time Dr. Richard Angelo returned Amaechi's call and told Amaechi that he (Dr. Angelo) had read the second draft of the dissertation and was waiting to get the opinions of other members of the committee. Amaechi then asked Dr. Richard for his opinions of the second draft of Amaechi's dissertation and Dr. Angelo refused to give his opinion.

46. That on **May 14, 2001** Amaechi was then ready to re-write the second draft of the dissertation. Subsequently, he wrote a letter to Dr. Richard Angelo dated May 14, 2001 asking to know the specific problems that needed to be corrected in the second draft of the dissertation...

47. That on May 14, 2001 Dr. Angelo called Amaechi at his home in London, Kentucky and told him that the Committee would like to meet with him on *May 16, 2001 at 1:30 p.m. to give him guidance on the second draft of the dissertation.* Amaechi was excited about the meeting and invited the Pastor of his Church, Lynn Dotson to go with him to the meeting. At the meeting Amaechi received from Dr. Angelo a letter of recommendation by members of Amaechi's dissertation Advisory Committee in EPE to

terminate Amaechi's EPE program. Whites were permitted to remain in the program.

48. That the committee alleged in their letter to Amaechi dated **May 14, 2001** that Amaechi failed to incorporate in the second draft of the dissertation, the concept, method, and exposition recommended by the Advisory Committee. At that moment, Amaechi began to cite the various page numbers in the second draft of the dissertation where he had incorporated various concepts, methods, and expositions that the Advisory Committee had requested him to incorporate into the second draft of the dissertation.

49. That Dr. Kifer then told Amaechi at the meeting on May 16, 2001 to provide them with a written statement citing the page numbers in the second draft of the dissertation where Amaechi had incorporated the concepts. expositions and methods so that the committee may review and perhaps rethink their initial decision.

50. That Amaechi did what the committee had requested. In addition, Amaechi requested from his committee to please review his data analysis, methods, and expositions with him.

51. That on May 21, 2001 Amaechi provided a letter to members of his Dissertation Advisory Committee citing the page numbers of the second draft of the dissertation where he had incorporated the concepts, methods, and expositions as the committee recommended from their readings of the initial abstract of Amaechi's dissertation dated February 27, 2001. That by May 21, 2001 the University of Kentucky and the Department of EPE had already graduated Amaechi from the Doctor of Education (Ed. D.) degree program and subsequently recommended

Amaechi's termination from the same Doctor of Education (Ed. D.) degree program.

52. That on June 4, 2001 Christopher Amaechi responded to Dr. Edward (Skip) Kifer's telephone questions about the concepts, methods and expositions Christopher used in obtaining the Reliability Coefficient of the Satisfaction scale. That on June 10, 2001 Dr. Edward (Skip) Kifer responded to Amaechi's letter in rather a harsh manner.

53. That on August 31, 2001 a letter from Dr. Beth Goldstein to Amaechi expressed that the Graduate Faculty in the Department of Educational Policy Studies and Evaluation (EPE) upheld the decision of Amaechi's Dissertation Advisory Committee to terminate Amaechi's program of study in the Department of Educational Policy Studies and Evaluation. That Amaechi has not received a copy of the EPE Graduate Faculty's vote for or against Amaechi's termination from the EPE Doctoral degree program.

54. That on November 9, 2001 upon the recommendation of Dr. Beth Goldstein in her letter to Amaechi dated August 31, 2001, Amaechi appeared before the Graduate Faculty in the Department of Educational Policy Studies and Evaluation (EPE). At that meeting on November 9, 2001, Amaechi asked the Graduate Faculty in EPE to please tell him the reason for their decision to uphold the recommendations of Amaechi's Advisory Committee to terminate Amaechi's program of study.

55. That at the meeting between Amaechi and the EPE Graduate Faculty on November 9, 2001, the Graduate Faculty in EPE chose not to give to Amaechi any reason for upholding Amaechi's Advisory Committee's decision to terminate Amaechi's program of study. That Amaechi asked the EPE Graduate Faculty to please explain to him why the

EPE Graduate Faculty wrote a dissertation for a white gay man who died of Aids and graduated him from the EPE program after his death but refuses to guide Amaechi's research and study to its completion. That at the meeting on November 9, 2001 the EPE Graduate Faculty refused to answer any question that Amaechi was asking them concerning their decision to terminate him from his EPE doctoral degree program. That Hon. Linda West accompanied Amaechi to that meeting on November 9, 2001.

56. That on November 21, 2001, Amaechi received a letter from the Acting Dean of the Graduate School (Dr. Douglass S. Kalika) indicating that Amaechi's enrollment and candidacy at the University of Kentucky were terminated effective immediately. The EPE Department and the University of Kentucky had already graduated Amaechi from the Doctor of Education (Ed. D.) degree program prior to the November 21, 2001 letter of termination. The Dean of the Graduate School cited page 18 of the 2000-2002 UK Graduate School Bulletin on General Regulation of the University of Kentucky, and the EPE Graduate Faculty member's recommendations to him as his reference guide for his decision to terminate Amaechi's enrollment and candidacy in the Doctor of Education (Ed. D.) degree program. That Amaechi was not given any copy of the recommendation of the EPE Graduate Faculty given to the Dean of the Graduate School (Dr. Douglass S. Kalika) for upholding the termination of Amaechi from the EPE degree program.

57. That on November 30, 2001, Christopher Amaechi wrote a letter to the President of the University of Kentucky (Dr. Lee Todd) reminding the President about Amaechi's Constitutional Rights protected by provisions of the 14th Amendment of the U. S. Constitution (i.e. denial of

Amaechi's due process rights) violated by the EPE Department. Amaechi asked for the President's intervention in the matter.

58. That at the time of Amaechi's termination from the Doctor of Education (Ed. D.) degree program at the University of Kentucky, his years of eligibility in the Doctor of Education (Ed. D.) degree program at the University of Kentucky were still current. Simply, the Defendants breached their contract with Amaechi.

59. That Amaechi earned 71 graduate hours, 263 quality points, and a cumulative GPA of 3.704/4.0 between 1995 and 1997 all at the University of Kentucky. He successfully passed his Qualifying Examination in 1998. He successfully completed his Residency Requirements. He wrote his Dissertation Proposal, and successfully defended the Dissertation Proposal. That effective December 20, 2000 the University of Kentucky Institutional Review Board (IRB) awarded Amaechi's Dissertation Proposal an "Exemption Certification" and gave Amaechi five years to complete the project that was subject to renewal thereafter. Amaechi was recommended for termination on May 14, 2001 and had not used up his ***five years*** of eligibility requirements following September 10, 1998 after passing the Qualifying Examination as so stated in the General Regulation of the UK Graduate School Bulletins. ***Five years*** were also approved following the December 20, 2000 IRB approval, yet he was terminated effective November 21, 2001.

60. That the fact stated herein constitute a violation of 42 U.S.C. Section 1981 which give Amaechi the right to make and enforce contract and enjoy the same benefits as white citizens and to not be treated differ because he exercise said civil right. Simply, the defendant's actions also constitute retaliation against Amaechi for trying to enforce contract right in violation of 42 U.S.C. Section 1981. That

the defendants also discriminated against Amaechi when they denied him the benefits of his Doctor of Education (Ed. D.) degree and allowed other citizens to either graduate from the EPE Doctoral degree program or to continue in the program after terminating Amaechi from the same EPE Doctoral degree program in violation of 42 U.S.C. Section 2000d.

61. That the foregoing facts establish that Dr. Richard Angelo under color of law departed from the procedural norms, which constitute purposeful or intentional discrimination because of Amaechi's race and or national origin which is African-American and/or a pattern of practice against Amaechi because he was trying to enforce his rights under 42 U.S.C. Section 1981.

**STATE CLAIM —BREACH OF CONTRACT**

62. That Amaechi reiterates and incorporates the facts contained in paragraph 1 through 61 of this second Amended Complaint as if set out at length herein.

63. That the University of Kentucky Graduate School Bulletins, page 7, state in relevant part as follows; "Full members of the Graduate Faculty are particularly responsible for: 1. Guidance of graduate student research and study to its completion". That the University of Kentucky 2000-2002 Graduate School Bulletin, page 24, states in relevant part as follows; "The Major Professor is the primary source of guidance in the planning and preparation of the dissertation".

64. That the University of Kentucky 1996-1998 Graduate School Bulletin, page 18, states in relevant part gave Amaechi five years following the semester or summer session in which Amaechi successfully completed his qualifying examination. Said Bulletin further states that "in the event that all degree requirements are not met during the

five-year period, degree candidates who provide evidence of the likelihood of completion of the degree during an extension of time may be granted such an extension by the Graduate Council". Simply, after the completion of the first five years Amaechi could have been granted an additional five years to complete his doctorate degree requirements.

65. That the University of Kentucky Graduate School Bulletins create an enforceable contract between the Defendants and Amaechi if not an "implied in fact" contract between the parties. That the Doctor of Education (Ed. D.) degree program agreement form signed by both parties on June 28, 1995 and the relevant terms and conditions of the degree program agreement in the University of Kentucky Graduate School Bulletins create an enforceable contract between the parties.

66. That subsequent to September 10, 1998 (the date that Amaechi passed his Qualifying Examination) the Graduate Faculty in the Department of Educational Policy Studies and Evaluation serving on his Dissertation Advisory Committee had a duty to Guide Amaechi's dissertation research and study to its completion.

67. That from Fall 1998 to October 21, 1999 Amaechi begged faculty members in the Department of Educational Policy Studies and Evaluation (EPE) to chair his dissertation committee. That Dr. Jane M. Jensen was new to the EPE Department at the time and yet agreed to serve as Amaechi's dissertation chair. That the Acting Dean of the Graduate School (Dr. Douglass S. Kalika) told Amaechi that Dr. Jensen must co-chair a dissertation with a Full Graduate Faculty Member in the Department of Educational Policy Studies and Evaluation (EPE). No person in the EPE Department agreed to co-chair Amaechi's Dissertation Committee with Dr. Jane M. Jensen and she stopped helping Amaechi.

68. That during this period Dr. John Harris III (in the Department of Educational Administration and Supervision) was serving on Amaechi's Committee and he agreed to co-chair Amaechi's Dissertation Committee with any faculty member in the Department of Educational Policy Studies and Evaluation willing to work with him in that capacity. Neither Dr. Jane M. Jensen nor anyone else in the Department of Educational Policy Studies and Evaluation agreed to co-chair Amaechi's Dissertation Committee with Dr. John Harris III.

69. That on or about May 5, 1999, Dr. John R. Thelin (a full member of the Graduate Faculty) declined a request from Dr. Douglass S. Kalika (Associate Dean of the Graduate School) to serve as Amaechi's Major Professor and Committee Chair.

70. That on or about July 17, 1999 Amaechi met with Dr. Michael T. Nietzel in his office in Patterson Office Towers and shared the discouraging, demeaning, and dehumanizing experiences he (Amaechi) was receiving from Dr. Richard Angelo. That on or about July 7, 1999 and July 17, 1999 Amaechi appealed to Dr. Michael T. Nietzel (Dean of the Graduate School) to appoint Dr. Edward (Skip) Kifer (a full member of the Graduate faculty) as a Chairperson for Amaechi's Dissertation Advisory Committee since Dr. Kifer was aware of the concepts, methods, and expositions that Amaechi was using for the dissertation research. Dr. Nietzel told Amaechi that Dr. Edward (Skip) Kifer does not chair or co-chair anyone's dissertation committee. At the meetings on or about July 7 1999 and July 17 1999 between Amaechi and Dr. Michael T. Nietzel, Amaechi requested not to have Dr. Richard Angelo on his Committee for reasons Amaechi had shared in his letters to Dr. Richard Angelo dated July 7, 1999, and July 24, 1999.

71. That after the July 7, 1999 meeting between Amaechi and Dr. Michael T. Nietzel, Amaechi went back to

Dr. Edward (Skip) Kifer again and asked him and begged him to serve as his Dissertation Committee Chairperson. Again, Dr. Kifer refused to serve as Amaechi's Dissertation Committee Chairperson.

72. That on or about July 17, 1999 Amaechi wrote a Memorandum to Dr. Michael T. Nietzel (Dean of the Graduate School and a full member of the Graduate Faculty) requesting for a Major Professor and a Dissertation Advisory Committee.

73. That on or about October 22, 1999 (approximately thirteen (13) months after Amaechi had passed his Qualifying Examination) Dr. Michael T. Nietzel appointed Dr. Richard Angelo to serve as a Major Professor for Amaechi and his Dissertation Committee Chair. That before Dr. Michael T. Nietzel appointed Dr. Angelo to serve as Amaechi's Major Professor and Chair of Amaechi's Dissertation Committee, Dr. Michael T. Nietzel had already received a copy of a letter from Amaechi to Dr. Richard Angelo dated **July 24, 1999** in which Amaechi stated that he did not want Dr. Richard Angelo as an Advisor. Yet, Dr. Michael T. Nietzel appointed Dr. Richard Angelo to chair Amaechi's Dissertation Advisory Committee against Amaechi's will. In a letter from Dr. Richard Angelo to Amaechi dated July 22, 1999 Dr. Richard Angelo wrote in relevant part: "If you are unable to settle on an advisor soon, than as department chair I will step into the **breach.**" That in effect Dr. Angelo's letter to Amaechi dated July 22, 1999 was an admittance of a breach in the degree program agreement between both parties.

74. That on or about March 23, or March 24 1999 members of Amaechi's Program Committee (i.e. Informal Dissertation Committee – without a formal Dissertation Committee Chair for the Plaintiff) did not allow the Plaintiff (Amaechi) to fully develop the dissertation Proposal on

Exploring the Relationships between Astin's (1984) Principles of Involvement and Mulkey's (1993) Principles of Socialization..."; because the Plaintiff did not present to the committee a copy of the Astin's (1984) Survey Instrument. That in Spring 2000 Amaechi's Dissertation Advisory Committee met and refused to recommend for dissertation proposal defense, the Amaechi's Dissertation Proposal Titled: "Exploring the Relationships between the Astin's (1984) Principles of Involvement and Mulkey's (1993) Principles of Socialization: A Closer Look at Student Experiences in Extracurricular Activities". Their reason was that Amaechi did not have the survey instrument that Astin (1984) had developed and used for his study.

75. That subsequently, Amaechi obtained a different survey instrument from Dr. John Bean (Professor of Higher Education) at Indiana University, Bloomington Indiana to collect data for the topic on: "Undergraduate Student Satisfaction with Experiences from Academic Services (AS) and the Non-Academic Services (NAS) at the University of Kentucky". That members of Amaechi's Dissertation Committee in the EPE Department then required Amaechi to use the existing data at UK on Undergraduate Student Satisfaction collected by Dr. Connie A. Ray (1997) with the Noel-Levitz (1994) Student Satisfaction Inventory rather than collect new survey data with Dr. John Bean's Survey Instrument.

76. That subsequently, Dr. Angelo told Amaechi to not consult with him on matters concerning the concepts, methods, and expositions that Amaechi was using because he (Dr. Richard Angelo) is a Historian and does not use Quantitative Research Methods.

77. That Dr. Edward (Skip) Kifer reviewed only the results of Reliability Coefficient of the Satisfaction Scale and of the Frequency Analysis of the Missing data obtained by

Amaechi. That no full faculty member in the Department of Educational Policy Studies and Evaluation reviewed any other actual results of Amaechi's work or provided guidance with regard to the concepts, methods, and expositions that Amaechi was using during this period except to read Amaechi's dissertation abstract dated February 27, 2001. Even then Amaechi asked for guidance from his Advisory Committee members in EPE but they refused to give direct guidance to Amaechi.

78. That on February 27, 2001 Amaechi submitted the first draft of his dissertation to members of his Dissertation Advisory Committee. That on February 27, 2001 Dr. Richard Angelo told Amaechi to order Doctoral Cap and Gown from the UK Bookstore for the May 2001 graduation. That even though Amaechi asked his Advisory Committee members in EPE to review the data analysis, methods, concepts, and the expositions Amaechi was using, the EPE Committee members did not give Amaechi direct guidance. They continued to tell Dr. Angelo what they wanted Amaechi to do. That Dr. Richard Angelo continued to give to Amaechi his own summary of the Committee's recommendations.

79. That Dr. Thomas Janoski (Professor in the Department of Sociology) at the University of Kentucky and outside the EPE Department and a member of Amaechi's Dissertation Advisory Committee reviewed some survey results of Amaechi's work during this period. Dr. Janoski was the only faculty member who gave Amaechi any specific and/or direct guidance as Amaechi was writing the dissertation.

80. That on April 30, 2001 Amaechi finished writing the second abstract of the dissertation in which he incorporated the recommendations of his Dissertation Advisory Committee from their reading of the first

dissertation abstract dated February 27, 2001 and submitted the second abstract of the dissertation to the committee dated April 30, '01.

81. That between May 7, 2001 and May 15, 2001 the Plaintiff made telephone calls to some members of his Dissertation Committee and asked to know what needed to be corrected in the Second Abstract of the Dissertation that the Plaintiff submitted to his committee on April 30, 2001. The Plaintiff did not graduate in May 6, 2001 as was proposed by the Plaintiff and approved by the committee. At this time Dr. Richard Angelo returned Amaechi's call and told Amaechi that he had read the second draft of the dissertation and was waiting to get the opinions of other members of the committee. Amaechi asked Dr. Richard Angelo for his opinions of the second draft of the dissertation and Dr. Angelo refused to give Amaechi his opinion.

82. That on May 14, 2001 Amaechi was then ready to re-write the second draft of the dissertation and wrote a letter to Dr. Angelo asking to know the specific problems that needed to be corrected in the second draft of the dissertation. That Dr. Richard Angelo told Amaechi on May 14, 2001 to come to a meeting he scheduled for Amaechi on May 16, 2001 to receive guidance on the second draft of the dissertation draft from members of Amaechi's Advisory Committee.

83. That on May 16, 2001 Amaechi received a letter from Dr. Richard Angelo dated May 14, 2001 in which Amaechi's Dissertation Advisory Committee recommended termination of Amaechi's EPE program. Subsequently, Dr. Richard Angelo received a letter from Amaechi dated May 14, 2001 in which Amaechi requested for guidance.

84. That the full members of the Graduate Faculty in the EPE Department breached their duty to guide Amaechi's research and study to its completion.

85. That the full members of the Graduate Faculty in the EPE Department's failure or refusal to guide Amaechi's research and study to its completion was intentional act designed to terminate Amaechi from the EPE Doctoral degree program.

86. That immediately following the meeting between Amaechi and his Advisory Committee on May 16, 2001, Amaechi asked Dr. Thomas Janoski for his opinions about the dissertation abstracted. That Dr. Thomas Janoski then told Amaechi that the second draft of Amaechi's dissertation abstract dated April 30, 2001 was between sixty percent (60%) and seventy-five percent (75%) completed.

WHEREFORE, the Plaintiff Amaechi demands as follows:

1. Judgement against the defendants for actual damages, including loss of benefits.
2. Trial by jury.
3. Compensatory damages in excess of $2,000,000.00.
4. For an Order requiring the defendants to allow Amaechi to receive his Doctor of Education (Ed. D.) degree from the EPE program at the University of Kentucky under an entirely new committee.
5. Award Amaechi cost and expenses of this action including attorney fees.
6. Award Amaechi such other or alternative relief,

both legal and equitable, as the court deems just and proper.

7. A court order that any further retaliation by the defendants and or by agents of the defendants will be subject to further litigation.
8. Any further retaliation by the Defendants, or by agents of the Defendants, against the Plaintiff, and or against any member of the Plaintiff's family, and or against the Plaintiff's Attorney and or against any individual who supports the Plaintiff in this case will be subject to litigation.

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H. WAYNE ROBERTS
Attorney for Plaintiff, AMAECHI
139 Market Street
Lexington, Kentucky 40507
Phone: (859) 255-7761
Fax. (859) 255-0011

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing **Second Amended Complaint** was served upon the defendants by hand delivery to:

Hon. Robert L. Roark
WALTHER, ROARK, GAY & TODD

163 E. Main, Suite 200
Lexington, Kentucky 40507
Attorney for University of Kentucky
**and mailed to**
Dr. Richard Angelo
College of Education
131 Taylor Education Building
Lexington, Kentucky 40506

Dr. Michael T. Nietzel
Office of the Provost
106 Gillis Building
University of Kentucky
Lexington, Kentucky 40506-0033

this _____day _____2003

_____
H. WAYNE ROBERTS"

**APPENDIX 2**

**(CASE NO. 04-1091)**

**CIVIL DOCKET FOR CASE #: 5:02-CV-00241-JMH**

**"U.S. District Court**
**Eastern District of Kentucky (Lexington)**

**CIVIL DOCKET FOR CASE #: 5:02-CV-00241-JMH**

**...Plaintiff**

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**Christopher N. Amaechi**

represented by **H. Wayne Roberts**

ANGGELIS, GORDON & SIMPSON
139 Market Street
Lexington, KY 40507
859 –255-7761
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

**Defendant**

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**University of Kentucky, College of Education, et al.**

**represented by Christopher Dane Frederick**

**Robert L. Roark**

**Erica Leigh Keenan**

WALTHER, **ROARK,** GAY & TODD, P.L.C.
163 E. Main Street, Suite 200
P. O. Box 1598
Lexington, KY 40507
859-225-4714
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

| Filing Date | Num # | Docket Text |
|---|---|---|
| 05/15/2002 | 1 | COMPLAINT (3 summonses issued) Fee Pd $150.00. Receipt #099360 (CBD) [Entry Date 05/16/2002] |
| 06/04/2002 | 2 | AMENDED COMPLAINT [1-1] by plaintiff Christopher N. Amaechi, plaintiff Michael T. Nietzel; jury demand (DC) [Entry Date 06/04/2002 |
| 06/05/2002 | 3 | AGREED ORDER by Judge Joseph M. Hood. It is hereby AGREED, ORDERED & ADJUDGED as follows: 1) deft UK (including all depts, divisions & subparts named as defts in this matter) shall have until & through the close of business on Monday, 6/24/02 w/in which to file its responsive pleading to pltff's complaint (cc: all counsel) [EOD Date: 6/5/02] (DC) [Entry Date 06/05/2002] |
| 06/24/2002 | 4 | ANSWER by dfts UK, Michael T. Nietzel, Richard Angelo to amd comp [2-1], & to cmp [1-1] (KJR) [Entry Date 06/25/2002] |
| 08/28/2002 | 5 | ORDER FOR MEETING AND REPORT by Judge Joseph M. Hood counsel to conduct meeting by 9/18/02; exchange discl; & FILE written JOINT REPORT by 9/28/02; |

| | | |
|---|---|---|
| | | (cc: all counsel) [EOD Date: 8/28/02] (KJR) [Entry Date 08/28/2002] |
| 09/23/2002 | 6 | REPORT OF PARTIES PLANNING MEETING (KJR) [Entry Date 09/23/2002] |
| 09/25/2002 | 7 | ORDER by Judge Joseph M. Hood (1) REFERRED to Mag Judge Todd for discovery disputes; (2) REFERRED for settlement processes; (3) amend mtns ddl 1/30/03; (4) discovery ddl 4/30/03; (5) dispositive mtn ddl 6/1/03; (6) exp witnesses - pla 12/1/02-dft 1/7/03 – supplemental rpts by 3/30/03; (7) mtns in limine ddl 7/1/03; (8) REFERRED for PT CONF; (9) pretrial filings due 1 wk before pt conf set by Mag Judge Todd; (10) PT CONF set for 10:00 10/6/03; (11) JURY TRIAL set for 9:00 11/4/03 (cc: all counsel) [EOD Date: 9/25/02] (KJR) [Entry Date 09/25/2002] |
| 10/25/2002 | 8 | ORDER by Judge Joseph M. Hood memos to be submitted in read only format (cc: all counsel) [EOD Date: 10/30/02] (JM) [Entry Date 09/25/2002] |
| 01/30/2003 | 9 | MOTION by Christopher N. Amaechi to amend scheduling ord & file 2nd amd comp (KJR) Modified on 02/19/2003 |
| 02/13/2003 | 10 | RESPONSE by dfts to pla's motion to amend scheduling ord [9-1] (KJR) |

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| | | [Entry Date 02/13/2003] |
| 02/14/2003 | | PROPOSED Second Amended Complaint tendered by Christopher N. Amaechi (KJR) [Entry Date 02/14/2003] |
| 02/19/2003 | 11 | ORDER by Judge Joseph M. Hood GRANTING pla's to amend scheduling ord & file 2nd amd comp [9-1] - the Scheduling Ord is modified to give parties until 2/14/03 to amd plds & the pla's Second Amd Comp is hereby FILED (cc: all counsel) [EOD Date: 2/19/03] (KJR) [Entry Date 02/19/2003] |
| 02/19/2003 | 12 | SECOND AMENDED COMPLAINT by Christopher N. Amaechi; jury demand (KJR) [Entry Date 02/19/2003] |
| 02/24/2003 | | Text not available. [Entry Date 02/25/2003] |
| 02/24/2003 | 13 | ANSWER by UK, UK Board of Trustees, UK, Michael T. Nietzel, Richard Angelo to [12-1] 2nd Amd Comp (KJR) [Entry Date 02/25/2003] |
| 04/29/2003 | 14 | MOTION to Modify Scheduling Order by Christopher N. Amaechi (KJR) [ Entry Date 04/29/2003] |
| 05/27/2003 | | ***Motions Submitted: [14] MOTION for Order by Christopher N. Amaechi (KJR) [Entry Date 05/27/2003] |
| 05/29/2003 | 15 | AGREED ORDER TO MODIFY |

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| | | SCHEDULING ORDER (1) Discovery due by 6/1/2003; (2) Dispositive Motions due by 7/7/2003, all other ddls in scheduling order remain the same. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 05/29/2003] |
| 07/01/2003 | 16 | MOTION IN LIME to prohibit introduction into evidence of education transcripts of Graduate Students Kate **Northcutt, Mark Russell, Kerry Alcon and Michelle Hite;** filed by dfs (JM) [Entry Date 07/01/2003] |
| 07/01/2003 | 17 | ORDER that upon the filing of any brief or memorandum of law in any proceedings, court copy is to sent in READ ONLY FORMAT and must be submitted within 48 hours of filing the brief/memorandum. Signed by Judge Joseph M. Hood. (JM) [Entry Date 07/01/2003] |
| 07/07/2003 | 18 | Mail Returned as Undeliverable. Mail sent to H. Wayne Roberts (KJR) [Entry Date 07/07/2003] |
| 07/07/2003 | 19 | MOTION for Summary Judgement w/memo in support by Richard Angelo, Michael T. Nietzel, University of Kentucky, University of Kentucky Board of Trustees. Respondents due by 7/28/2003 (KJR) [Entry Date 07/08/2003] |
| 07/08/2003 | 20 | MOTION for Extension of Time to |

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| | | 8/22/03 to File Response to dft's [19] MOTION for Summary Judgement by Christopher N. Amaechi (KJR) [Entry Date 07/08/2003] |
| 07/08/2003 | 21 | MOTION for Extension of Time to 8/22/03 to File Response to dft's [16] MOTION in Limine by Christopher N. Amaechi (KJR) [Entry Date 07/08/2003] |
| 07/09/2003 | 22 | ORDER GRANTING pla's [20] Motion for Extension of Time to 8/22/03 to File Response to dft's [19] MOTION for Summary Judgement. Signed by Judge Joseph M. Hood. Responses due by 8/22/2003 Replies due by 9/10/2003. (KJR) [Entry Date 07/09/2003] |
| 07/09/2003 | 23 | ORDER GRANTING pla's [21] Motion for Extension of Time to 8/22/03 to File Response to dft's [16] MOTION in Limine. Signed by Judge Joseph M. Hood. Responses due by 8/22/2003 Replies due by 9/10/2003. (KJR) [Entry Date 07/09/2003] |
| 08/01/2003 | 24 | MOTION for Leave to Amend Complaint by Christopher N. Amaechi (KJR) [Entry Date 08/01/2003] |
| 08/01/2003 | | TENDERED - Third Amended Complaint. (KJR) [Entry Date 08/01/2003] |
| 08/15/2003 | 25 | RESPONSE to Pla's Motion for |

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| | | Leave to file third amended complaint filed by Richard Angelo, Michael T. Nietzel, University of Kentucky. (MRS) [Entry Date 08/15/2003] |
| 08/22/2003 | 26 | RESPONSE to dft's [19] MOTION for Summary Judgement by Richard Angelo, Michael T. Nietzel, University of Kentucky, University of Kentucky Board of Trustees filed by Christopher N. Amaechi. (KJR) [Entry Date 08/22/2003] |
| 08/25/2003 | | ***Motion Submitted: [16] MOTION in Limine by Richard Angelo, Michael T. Nietzel, University of Kentucky, University of Kentucky Board of Trustees (KJR) [Entry Date 08/25/2003] |
| 08/25/2003 | 27 | MOTION for Leave to File Addendum to Pla's response to dft's motion for summary judgement by Christopher N. Amaechi (KJR) [Entry Date 08/26/2003] |
| 09/02/2003 | | ***Motions Submitted: [24] MOTION for Leave by Christopher N. Amaechi (KJR) [Entry Date 09/02/2003] |
| 09/02/2003 | | ***Motions Submitted: [14] MOTION for Order by Christopher N. Amaechi (KJR) [Entry Date 09/02/2003] |
| 09/02/2003 | 28 | REPLY to pla's Response to dft's [19] MOTION for Summary Judgement |

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| | | filed by Richard Angelo, Michael T. Nietzel, University of Kentucky. (KJR) [Entry Date 09/03/2003] |
| 09/03/2003 | | *** Motions Submitted: [19] MOTION for Summary Judgement by Richard Angelo, Michael T. Nietzel, University of Kentucky, University of Kentucky Board of Trustees (KJR) [Entry Date 09/03/2003] |
| 09/09/2003 | 29 | ORDER that the Final Pretrial Conference scheduled for 10/6/03 is RESCHEDULING for 10/22/2003 10:00 AM. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 09/09/2003] |
| 09/10/2003 | | ----------VOLUME - 2 - ----------(KJR) [Entry Date 09/16/2003] |
| 09/15/2003 | | ***Motions Submitted: [27] MOTION for Leave by Christopher N. Amaechi (KJR) [Entry Date 09/15/2003] |
| 09/22/2003 | 30 | ORDER DENYING AS MOOT pla's [14] Motion for Order to modify the scheduling order. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 09/22/2003] |
| 09/22/2003 | 31 | ORDER GRANTING dft's [16] Motion in Limine prohibiting the introduction into evidence of the education transcripts of graduate students Northcutt, Russell, Alcorn & Hite. Signed by Judge Joseph M. |

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| | | Hood. (KJR) [Entry Date 09/22/2003] |
| 09/22/2003 | 32 | ORDER GRANTING pla's [27] Motion for Leave to file addendum to his response to dft's motion for summary judgement. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 09/22/2003] |
| 09/22/2003 | 33 | ADDENDUM (1tr from UK to pla) to be filed per order [32]. (KJR) [Entry Date 09/22/2003] |
| 09/22/2003 | 34 | MEMORANDUM OPINION & ORDER DENYING pla's [24] Motion for Leave to file a third amended complaint. Signed by Judge Joseph M. Hood. (KJR) [Entry Date 09/22/2003] |
| 09/26/2003 | 35 | ORDER (1) INITIAL PRETRIAL CONFERENCE set for 10/15/2003 11:30 AM before James B. Todd; (2) Pretrial Filings due by 10/8/2003; court reporter needed. Signed by Judge James B. Todd. (KJR) [Entry Date 09/26/2003] |
| 09/30/2003 | 36 | ORDER Defendant's motion for summary judgement (rec. [19]) be GRANTED. Signed by Judge Joseph M. Hood. (MJY)(cc: all counsel) [Entry Date 09/30/2003] |
| 09/30/2003 | 37 | JUDGMENT 1) This action is DISMISSED AND STRICKEN FROM THE ACTIVE DOCKET; 2) all pending motions DENIED AS MOOT; 30 all scheduled proceedings |

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| | | CONTINUE GENERALLY; 4) This order is FINAL & APPEALABLE, Case Terminated.. Signed by Judge Joseph M. Hood. (MJY)(cc: all counsel) [Entry Date 09/30/2003] |
| 10/23/2003 | 38 | NOTICE OF APPEAL as to [37] Judgment, Terminated Case, by Christopher N. Amaechi. Filing fee $ 105, receipt number 109264. (KJR) [Entry Date 10/23/2003] |
| 10/23/2003 | 39 | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re [38] Notice of Appeal; transmitted to 6CCA via US Mail (KJR) [Entry Date 10/23/2003] |
| 10/28/2003 | 40 | CERTIFICATE of Counsel re [38] Notice of Appeal by Linda J. West on behalf of Christopher N. Amaechi. (PDB) [Entry Date 10/28/2003] |
| 11/12/2003 | 41 | TRANSCRIPT REQUEST by Christopher N. Amaechi (NO HEARINGS) re [38] Notice of Appeal (LKM) [Entry Date 11/12/2003]" |

**APPENDIX 3**

**(CASE NO. 04-1091)**

**GENERAL DOCKET**

**Sixth Circuit Court of Appeals**

**"03-6410** **03-6410**

| | |
|---|---|
| Court of Appeals Docket #: 03-6410 | Filed: 11/3/03 |
| Nsuit: 3190 Contract: Other | |

| Amaechi v. Univ. KY, et al.<br>Appeal from: Eastern District of Kentucky at Lexington |
|---|
| Case Type information:<br>1) Civil<br>2) private<br>3) federal question |
| Lower Court information:<br>District: 0643-5 : 02-00241<br>Trial Judge: Joseph M. Hood, District Judge<br>Date Filed: 5/15/02<br>Date Order/judgement: 9/30/03<br>Date NOA filed: 10/23/03 |
| Fee status: paid |
| Prior cases:<br>None<br>Current cases:<br>None |

Docket as of December 28, 2004 02:13 PM Page 1

**03-6410 Amaechi v. Univ KY, et al.**

| | |
|---|---|
| CHRISTOPHER N. AMAECHI<br>Plaintiff – Appellant | Linda J. West<br>FTS 546-2493<br>606 - 546-8894<br>[COR LD NTC ret]<br>103 Liberty Street<br>P. O. Box 1239 |

| | |
|---|---|
| | Barbourville, KY 40906 |
| v. | |
| UNIVERSITY OF KENTUCKY<br>College of Business<br>Defendant - Appellee | Robert L. Roark<br>FTS 225-1493<br>859-225-4714<br>[COR LD NTC ret]<br>Christopher Dane Frederick<br>859-225-4714<br>[NTC ret]<br>Walther, Roark, Gay & Todd<br>163 E. Main Street<br>Suite 200, P. O. Box 1598<br>Lexington, KY 40588-1598 |



**03-6410 Amaechi v. Univ KY, et al.**

| |
|---|
| CHRISTOPHER N. AMAECHI<br>Plaintiff - Appellant |
| v. |
| UNIVERSITY OF KENTUCKY,<br>College of Business, et al.,<br>Defendants - Appellees |

**03-6410 Amaechi v. Univ KY, et al.**

| | |
|---|---|
| 11/3/03 | Civil Case Docketed. Notice filed by Appellant Christopher N. Amaechi. Transcript needed: n ⌂ (pje) |
| 11/3/03 | CASE OPENING & BRIEFING LETTER SENT: forms due 11/17/03; appellant brief due 12/15/03; appellee brief due 1/20/04; reply brief due 2/6/04; appendix due 2/13/04; all final briefs due 3/5/04. [03-6410]. (pje) |
| 11/5/03 | Mediation Office is involved in this appeal. [03-6410] (trm) |
| 11/5/03 | Pre-argument conference has been scheduled for December 8, 2003 at 2:00 PM with Mr. Tobias. [03-6410] (trm) |
| 11/5/03 | Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 12/22/03; appellee due 1/26/04; reply due 2/9/04; joint appendix due 2/17/04; all finals due 3/9/04. [03-6410] (trm) |
| 11/12/03 | APPEARANCE filed by Attorney Linda J. West for Appellant Christopher N. Amaechi [03-6410] (pje) |
| 11/12/03 | PRE-ARGUMENT STATEMENT filed by Linda J. West for Appellant Christopher N. Amaechi [03-6410] (pje) |
| 11/12/03 | TRANSCRIPT ORDER FORM filed by Linda J. |

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| | West for Appellant Christopher N. Amaechi: No hearings held in the District Court. [03-6410] [2851270-1] (blh) |
| 11/14/03 | APPEARANCE filed by Attorney Robert L. Roark for Appellee Univ KY [03-6410] (pje) |
| 12/15/03 | Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 12/29/03; appellee brief now due 2/2/04; reply brief now due 2/19/04; appendix now due 2/26/04; all final briefs now due 3/18/04. [03-6410] . (wjr) |
| 12/18/03 | Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 1/29/04; appellee brief now due 3/2/04; reply brief now due 3/19/04; appendix now due 3/26/04; all final briefs now due 4/16/04 . [03-6410] . (wjr) |
| 1/23/04 | Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 2/20/04; appellee brief now due 3/24/04; reply brief now due 4/12/04; appendix now due 4/19/04; all final briefs now due 5/10/04. [03-6410] . (wjr) |
| 2/6/04 | Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 3/12/04; appellee brief now due 4/14/04; reply brief now due 5/3/04; |

| |
|---|
| appendix now due 5/10/04; all final briefs now due 5/31/04. [03-6410] . (wjr) |



**03-6410 Amaechi v. Univ KY, et al.**

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| 3/4/04 | Mediation Office is no longer involved in this appeal at this time. (lmn) |
| 3/11/04 | PROOF BRIEF filed by Linda J. West for Appellant Christopher N. Amaechi. Certificate of date 3/11/04 Number of pages: 32. [03-6410] ☺ (lak) |
| 3/11/04 | Request to require oral argument filed by Linda J. West for Appellant Christopher N. Amaechi [03-6410] (lak) |
| 4/15/04 | PROOF BRIEF filed by Robert L. Roark for Appellee Univ KY. Certificate of service date 4/14/04. Number of Pages: 47. [03-6410] ☺ (lak) |
| 4/15/04 | Request to waive oral argument and submit case on the briefs, (waiver on page: v), filed by Robert L. Roark for Appellee Univ KY [03-6410] (lak) |
| 4/29/04 | REPLY BRIEF filed by Linda J. West for Appellant Christopher N. Amaechi Copies: 1. Certificate of service date 4/29/04 [03-6410] (lmn) |
| 5/11/04 | APPENDIX filed by Linda J. West for Appellant |

| | |
|---|---|
| | Christopher N. Amaechi. Copies 5. Certificate of service date none [03-6410] (pje) |
| 5/12/04 | BRIEFING LETTER SENT requesting appendix corrections from Linda J. West because: (1) pagination, (2) rev index, (3) missing doc. Corrected appendix due: 5/26/04; all final briefs now due 6/16/04. [03-6410] . (pje) |
| 5/12/04 | BRIEFING LETTER SENT : all final briefs now due 6/16/04. [03-6410] . (pje) |
| 5/25/04 | Corrected Appendix filed by Linda J. West. Copies: 5 (one volume) . Certificate of Service date 5/25/04 [03-6410] (lmn) |
| 6/16/04 | FINAL BRIEF filed by Linda J. West for Appellant Christopher N. Amaechi. Copies: 7. Certificate of service date 6/16/04 Number of pages: 30. [03-6410] (lmn) |
| 6/16/04 | Request to require oral argument filed by Linda J. West for Appellant Christopher N. Amaechi [ 03-6410] (lmn) |
| 6/16/04 | FINAL REPLY BRIEF filed by Linda J. West for Appellant Christopher N. Amaechi. Copies: 7 Certificate of service date 6/16/04 Number of pages: 13 . [03-6410] (lmn) |
| 6/16/04 | FINAL BRIEF filed by Robert L. Roark for Appellee Univ KY. Copies: 7. Certificate of service date 6/16/04. Number of Pages: 45. [03-6410] (lmn) |

**03-6410 Amaechi v. Univ KY, et al.**

| | |
|---|---|
| 6/16/04 | Request to waive oral argument and submit case on the briefs filed by Robert L. Roark for Appellee Univ KY [03-6410] (lmn) |
| 10/6/04 | CAUSE SUBMITTED on briefs to panel consisting of Judges Daughtrey, Gilman, Rice sitting on 11/30/04. [03-6410] (kal) |
| 10/13/04 | Oral argument date set for November 30, 2004 in court room 403. Notice of argument sent to counsel. [03-6410] (pjm) |
| 11/5/04 | Appellant's MOTION to waive oral argument and submit case on the briefs filed by Linda J. West for Christopher N. Amaechi. Certificate of service date 10/26/04 [03-6410] (pje) |
| 11/24/04 | ORDER filed GRANTING appellant's motion to waive oral argument and submit on briefs filed by Linda J. West [03-6410]. Entered by order of the court. (pje). |
| 12/6/04 | Per Curiam OPINION filed: AFFIRMED, decision not for publication pursuant to local rule 28(g) [03-6410]. Martha C. Daughtrey, Circuit Judge, Ronald L. Gilman, Circuit Judge, Walter H. Rice, District Judge. (pje). |

**APPENDIX 4**
**(CASE NO. 04-1091)**
**DEFENDANTS INTENTIONALLY AND PURPOSEFULLY ABANDONED AMAECHI FOR OVER TWO ACADEMIC SEMESTER AFTER HE PASSED HIS QUALIFYING EXAMINATION**

**"M-E-M-O-R-A-N-D-U-M**

TO: Dr. Michael T.Nietzel

FROM: Christopher N. Amaechi

**DATE: July 17, 1999**

RE: My current "Doctoral Advisory Committee Members" **abandoned me for over two academic semesters now.** Therefore, I need a Major Professor and a Dissertation Chair to enable me to proceed in my doctoral program at the University of Kentucky. In addition, I need some financial support (a fellowship, an assistantship, or a scholarship) to enable me to complete the degree requirements at the University and to graduate from the program

**Student (Christopher Nnamdi Amaechi, SS#405-11-6787) Profile**:

(1) Fall 1995 Registration:
August 15, 1995

(2) First Day of class:
August 21, 1995

(3) Program Concentration: Higher Education – Student Personnel Services, Quantitative Research Methods, and Sociology

(4) Date "Program Plan" was approved: Spring, 1997

(5) Date Candidate Passed the Qualifying Examination: Fall, 1998

(6) Cumulative Grade Point Average at the University of Kentucky: 3.704/4.000

(7) Residency Credits (two 9-hour back-to-back semesters) completed? Yes?

(8) Date the "Residency Credits" were completed? Spring, 1999.

Thank you very much."

**APPENDIX 5**

**(CASE NO. 04-1091)**

**PROOF THAT DEFENDANT (DR. ANGELO) EXPRESSED HIS WRITTEN INTENT TO REMOVE AMAECHI FROM THE GRADUATE SCHOOL ON MARCH 21, 2000 AND REMOVED AMAECHI FROM THE GRADUATE SCHOOL ON NOVEMBER 21, 2001. AMAECHI KNEW ABOUT THIS E-MAIL ONLY AFTER SUMMARY JUDGEMENT WAS AWARDED**

"DEFENDANT'S EXHIBIT # 14"

"Date: Tus, 21 Mar 2000 19:28:19-0500

To: Amaechi's committee

From: Richard AngeloAngelo@pop.uky.edu

Subject: How do you think we should proceed from here?

Dear Colleagues,

...Our meeting today lasted two and a half ours. Part of that time was devoted to clearing the air over process, reestablishing rapport as best I could; the rest was devoted to his writing. Yes, he seemed reasonably pleased with the meeting, but he also explained at the conclusion that one committee member had suggested to him earlier today..he wouldn't tell me who—that the committee meet without him to hammer out a detailed outline of our expectations for the proposal. This document would presumably facilitate his revisions as well our further criticisms.

I explained why I didn't think that would help much. Expectations are already clear enough, or so it seems to me. Christopher knows for instance, that his next step is to give a plausible rendition of Christian-Ray's study. But alas, he can't do it. His problem is centered on the nitty-gritty syntax of things, in other words, on a level of detail which an outline, by definition, would leave unspecified. I left him with the assurance, however, that I would ask the committee's advice and get back to him within a week.

So what are your thoughts? I'm out of patience, I must confess. Soothing his ruffled temper, gratifying his petulant demands, has left me exhausted, but so has the repeated recognition that **he cannot write with the fluency of an ordinary undergraduate.** We are in more or less the same position today as we were a year ago November. If you see merit in this outline idea, however, both as a way to give Christopher every benefit of the doubt and/or **to serve as the basis for a final decision to remove him from the graduate school, then lets go ahead with it.**

Printed for Richard Angelo <Angelo@pop.uky.edu>

Page 2

Bethg@pop.uky.edu,Jpbieb01@pop.uky.edd, 01:09 PM 3/23/00-0500, Fwd: How do you think we sl

Sincerely,

Richard

---

**Printed for Richard Angelo** Angelo@pop.uky.edu>

Page 3"

**PLEASE NOTE:**

1). **Defendant's** ***purposefully*** and ***intentionally*** addressed **Exhibit # 14** in Apex 5 herein to members of the Graduate Faculty in the EPE Department who were **not** serving on Amaechi's committee at that time. It was a foundation for future action.

2). Dr. Beth Goldstein bethg@pop.uky.edu to whom that e-mail was sent in the month of March 21, 2000 was not a member of Amaechi's committee by March 21, 2000. Dr. Beth Goldstein was the Director of Graduate Studies in the EPE Department in 1999.

3). Dr. Jeffrey Bieber jpbieb01@pop.uky.edu to whom that e-mail was sent in the month of March 21, 2000 was never a member of Amaechi's committee. He was the Director of Graduate Studies in the EPE Department on August 2001.

4). Dr. Richard Angelo's **intent** was to remove Christopher from the graduate school as he stated in **Appendix 5 herein at paragraph 2** before Amaechi was eventually removed from that same graduate school.

5). In Appendix 12 herein Respondents admitted, ***"...there were no other doctoral candidates who went through the termination process as did Amaechi".*** That admission is another proof of purposeful and intentional discrimination on the basis of Amaechi's race and national origin.

6). That e-mail was not revealed to Amaechi until after his termination from the degree program.

**APPENDIX 6**
**(CASE NO. 04-1091)**
**AMAECHI DECIDED NOT TO USE FOR A DISSERTATION AN SPSS DATA FILE THAT WAS NOT APPROVED BY HIS COMMITTEE**

"Christopher N. Amaechi
P. O. Box 2371
London, KY 40743-2371

**November 11, 2000**

Dr. Edward Kifer
Professor
The University of Kentucky
College of Education
Educational Policy Studies and Evaluation
131 Taylor Education Building
Lexington, Kentucky 40506-0001

Dear Dr. Kifer:

Thank you for your recent letter of inquiry about my memo to you on November 3, 2000 concerning the discrepancies between the original satisfaction data from which my

approved dissertation proposal was written and the **11/03/00 "SPSS Data File".**

Here are the discrepancies between the **"SPSS Data File" I received on 11/03/00** and the data set Dr. Christian-Ray and Associates (1997) collected with the Noel-Levitz (1994) instrument from which my approved dissertation proposal was written.

The "SPSS Data File" I received from Phyllis on 11/03/00 contains a total of 368 variables. In contrast, the Noel-Levitz (1994) instrument with which the (1997) data set from which my approved dissertation proposal was written contains a total of **116 variables.** My approved dissertation proposal was not written from a data set with 368 variables. The major confusion is that the numerical values of satisfaction items in the **368 variables** are quite different from the numerical values of the satisfaction items that my approved dissertation proposal was written.

I returned to your office to share the confusion with you after opening the "SPSS Data File" on campus but was told that you had perhaps gone for that day. I discussed the discrepancies with Dr. Angelo and with Dr. Thelin on 11/03/00. Dr. Angelo then indicated to me that if the numerical values of satisfaction items in the "SPSS Data File" are different from those from which my approved dissertation proposal was written, to consult with Dr. Christian-Ray to explain the data file to me since it came from her office.

Following that brief discussion with Dr. Angelo on 11/03/00, I consulted with Dr. Christian-Ray. She then opened the **"SPSS Data File"** in her office, and referred me to one of

her assistants. Her assistant indicated to me that she was not very familiar with the contents of the data file despite the fact that she had entered them into the "Excel File" as so instructed by her supervisor.

I am very appreciative of you for your continuing support. I am deeply sorry for any inconvenience I may have caused you for your involvement in this regard. Knowing that **"a stitch in time saves nine",** it is prudent for me to continue with the 1997 numerical values of satisfaction items from which my approved dissertation proposal was written to help maximize my chances of completing the project and defending the dissertation by May 2001.

I have also enclosed a redrawn copy of the Student Experience and Satisfaction (S1-E-S2) paradigm for this study following a brief discussion with you about it on 11/03/00.

Sincerely,

Christopher N. Amaechi"

## APPENDIX 7
## (CASE NO. 04-1091)
## DR. EDWARD S. KIFER APPEARED UNSURE OF THE SPSS DATA FILE HE GAVE TO AMAECHI
"DEFENDANT'S EXHIBIT # 19"

**"November 6, 2000**

Mr. Christopher Amaechi
P.O. Box 2371

London, KY 40743

Dear Christopher:

I have a note from Phyllis saying you believe there are problems with the **SPSS file I gave you.** You "found data that were not related to the original data." I do not know what that means.

Do you think that the conversion from SAS to SPSS did not work? Or, do you think there are variables in the new set that you did not have in the text you were given? Or, do you think there are values of the variables that differ in the SPSS set versus the text you were given?

The data set I gave you came from directly from the Office of Institutional Research and was their version of what they collected. If there are discrepancies between those data and your, it would be important to know the nature of those differences.

Without knowing the nature of the differences, I do not know how you decided to "use the original data." Perhaps the new set is, in fact, the better and more complete one.

I suggest you spend some time looking closely at the differences. Since you have done no major analyses, there is no reason to worry about "avoiding confusion."
Sincerely,

Edward Kifer

Professor".

**APPENDIX 8**
**(CASE NO. 04-1091)**
**DR. EDWARD S. KIFER ADMITTED THAT HIS UNAPPROVED SPSS DATA FILE AND AMAECHI'S APPROVED SPSS DATA FILE WERE DIFFERENT**
**"DEFENDANT'S EXHIBIT # 22"**

**"November 16, 2000**

Mr. Christopher Amaechi
P. O. Box 2371
London, KY 40743

Dear Christopher:

**I received you letter of November 11.**

The question is not whether there are differences between the data sets you have. The question is which data set most accurately represents the data set you should be using.

The answer to which data set you should be using is easy to obtain. Do tabulations from both data sets and compare those tabulations to what was reported by Dr. Ray.

I look forward to seeing your results.

Sincerely,

Edward Kifer
Professor"

**APPENDIX 9**
**(CASE NO. 04-1091)**

**AMAECHI ASKED TO KNOE IF DR. KIFER WOULD REVIEW AMAECHI'S DATA BEYOND THE RELIABILITY OF SATISFACTION SCALE AND FREQUENCIES OF MISSING N**

"Christopher N. Amaechi
P. O. Box 2371
London, KY 40743-2371
**January 9, 2001**

Dear Dr. Kifer:

If I am not mistaken, you indicated to me on January 8, 2001 in our telephone conversation that you do not intend to see the results of my study until you have reviewed my frequency results of the Noel-Levitz (1994) Student Satisfaction data used by Christian-Ray and Associates (1997).

Here are the results of the frequencies of the 1997 Student Satisfaction Survey data that I am using for my study. These frequency results are exactly the same as the frequencies for the 379 survey respondents that Dr. Christian-Ray and Associates (1997, p. 19) reported in accordance with the Noel-Levitz (1994) Student Satisfaction Inventory. I have also enclosed a copy of their report on the students' classification, ethnic origin and gender for your perusal.

Please not that the frequency results of the original data are numbered thus: #1997. Two graduate students were included in the 1997 survey results. These two graduate students are excluded from my study because they do not belong to the undergraduate student subjects for this study. The frequency results of my study are numbered thus: #2001.

Sincerely,

Christopher N. Amaechi"

## APPENDIX 10
## (CASE NO. 04-1091)
## PROOF OF NATIONAL ORIGIN DISCRIMINATION: NAMES OF U.S. BORN CITIZENS WHO RECEIVED PREFRENTIAL TREATEMENTS DENIED TO AMAECHI BY THE SAME RESPONDENTS

1. "William (Bill) Whitaker Jr."(Black and Male). He can be reached at P. O. Box 725, Clinton, NC 28329. Telephones: (910) 592-4255 and (704) 216-6078. (He is the Doctoral Candidate who had enrolled in the degree program a semester earlier than did Amaechi. Amaechi was terminated but he was not terminated).

2. Dr. Doris N. Stilwell. (White and Female). She can be reached at Education and Counseling Psychology, 239 Dickey Hall, University of Kentucky, 40506- 0017, (859) 278-7086. Dr. Edward (Skip) Kifer co-chaired her dissertation committee at the University of Kentucky with Dr. Fred Danner.

## APPENDIX 11
## (CASE NO. 04-1091)
## NAMES OF SOME NON-MINORITY STUDENTS THAT DEFENDANTS PURPOSEFULLY AND INTENTIONALLY HIRED FOR THE TEACHING ASSISTANTS POSITION IN PLACE OF AMAECHI. BUT AMAECHI HAD SIGNED A CONTRACT WITH THE DEFEBNDANTS ON JUNE 28, 1995 TO WORK AS A TEACHING ASSISTANT

"IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
AT LEXINGTON

CIVIL ACTION NO. 02-241-JMH

**FILED JUL 01, 2003**

CHRISTOPHER N. AMAECHI PLAINTIFF

**DEFENDANTS' MOTION IN LIMINE**

UNIVERSITY OF KENTUCKY, COLLEGE
OF EDUCATION, et. al. DEFENDANTS

**********

The Defendants, through counsel, pursuant to this Court's Scheduling Order dated September 25, 2002, hereby move in Limine to prohibit the introduction into evidence of the education transcripts of graduate students **Kate Northcutt, Mark Russell, Kerry Alcorn and Michelle Hite** relating to any allegations or claims by Plaintiff that Defendants discriminated against Plaintiff by offering and/or hiring said students for the Teaching Assistant position in the EPE Department at the University of Kentucky over Amaechi because such education transcripts would be obtained in violation of both state and federal law. Plaintiff requested the aforementioned transcripts in his Request for Production of Documents, Request No. 5, wherein the Defendants responded that such request would be prohibited by prevailing law. As such, these academic transcripts must be excluded from evidence...

Here, the education transcripts of Kate Northcutt, Mark Russell, Kerry Alcorn and Michelle Hite should be excluded from evidence. These students have not consented to the release of such information in accordance with FERPA and KFERPA, and Defendants are unable to disclose such evidence as it constitutes a violation under both state and **federal law...**

For these reasons, Defendants respectfully request that the Court order such information may not be disclosed at the trial of this action.

Respectfully submitted,
WALTHER, ROARK, GAY & TODD, PLC

Erica L. Keenan_____
Robert L. Roark, Esq.
Erica L. Keenan, Esq.
163 East Main Street, Suite 200
P. O. Box 1598
Lexington, Kentucky 40588-1598
(859) 225-4714

Paul Van Booven
University of Kentucky
7 Gillis Building
Lexington, Kentucky 40506
COUNSEL FOR DEFENDANTS"

**APPENDIX 12**
**(CASE NO. 04-1091)**
**IN ANSWERING AMAECHI'S INTERROGATORY QUESTION NO. 5 RESPONDENTS WROTE: "...THERE WERE NO OTHER DOCTORAL CANDADITES WHO WENT THROUGH THE TERMINATION PROCESS AS DID AMAECHI"**

**"PLAINTIFF'S INTERROGATORY NO. 5:** page 3. Please identify all doctoral candidates in the last fifteen (15) years who have been terminated from the Doctoral

Degree program in the EPE Department during the first five (5) years of eligibility in the doctoral degree program. With respect to each person identified in this Interrogatory, please state the following: (a) the person's race; (b) the reason why the person was terminated; (c) if the person's termination was overturned on appeal and the reason why it was overturned.

**ANSWER:** Upon information and belief, there were no other doctoral candidates who went through the termination process as did Amaechi. However, upon information and belief, other doctoral candidates who were advised that they were failing to make satisfactory progress toward completion of their dissertation have voluntarily withdrew from the program."

## APPENDIX 13
## (CASE NO. 04-1091)
## RESPONDENTS INTENTIONALLY AND PURPOSEFULLY CHOSE DR. MICHAEL T. NIETZEL FOR AMAECHI'S OUTSIDE EXAMINER TO JUDGE AMAECHI'S DISSERTATION BEFORE THE MAJOR PROFESSOR SAID "OK" – A SUNSTANTIAL DEPARTURE FROM THE "EPE DOCTORAL PROGRAM GUIDESHEET"

"DEFENDANTS EXHIBIT # 23

"Jim O'Reilly, 04:52 PM 3/6/01 –0500, Outside Examiner for Christopher Amaechi

X-Sender: oreilly@pop.uky.edu
X-Mailer: QUALCOMM Windows Eudora Pro Version 4.2.0.58

Date: Tue, 06 Mar 2001 16:52:12 – 0500
To: Jeffery Bieber <jpbieb01@pop.uky.edu>, Richard Angelo <angelo@pop.uky.edu>
From: "Jim O'Reilly" <oreilly@pop.uky.edu>
Subject: Outside Examiner for Christopher Amaechi
Cc: Michael T. Nietzel <nietzel@pop.uky.edu>, "Jim O'Reilly" <oreilly@pop.uky.edu>

I am pleased to inform you that Professor Michael T. Nietzel (phone: 257-1759, email address above) of the Department of Psychology and of The Graduate School has very graciously agreed to serve as the Outside Examiner for the Final Doctoral Examination of Christopher Amaechi. Dean Nietzel will be sending out an official appointment letter to this effect at the time that the Final Exam is actually scheduled.

I indicated to Dr. Nietzel that the target time period for scheduling the Final Examination was the week of "April 9-13, 2001", as indicated on the "Notification of Intent" form. This time range is reasonably open for him at this point. Nevertheless, I remind you that the student must coordinate the scheduling of the Final Oral with the Outside Examiner as well as with the Core members of the Committee.

The final steps for the student are to bring (1) a properly filled out and signed "Request for Scheduling" of the Final Examination, (2) a "Dissertation Approval" form signed by a majority of the Core Committee members, and (3) the Examination copy of the dissertation to 351 Patterson a MINIMUM of two weeks in advance of the Exam date. The * approved * Examination copy of the dissertation is then to be delivered to the Outside Examiner at least 2 weeks prior to the date of the Final Examination.

My best wishes for the student's successful defense of the Dissertation, and my sincere thanks to the Outside Examiner for accepting this added task in support of the graduate education at the University.

**********

NOTE NEW AREA CODE MANDATORY OCTOBER 2000

Dr. James E. O'Reilly, Associate Dean
Distance Learning and Multidisciplinary Graduate Programs
The Graduate School Phone: 859-257-2411
315 Patterson Office Tower FAX: 859-323-1928
University of Kentucky email: oreilly@pop.uky.edu
Lexington, KY 40506-0027

Visit the Graduate School at <http://www.rgs.uky.edu/gs/gradhome.html>http://www.rgs.uky.edu/gs/gradhome. html Application forms for admission are available online.

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Printed for Jim O'Reilly <oreilly@pop.uky.edu>

**APPENDIX 14**
**(CASE NO. 04-1091)**
**DEFENDANTS PURPOSEFULLY AND INTENTIONALLY NOTIFIED THE GRADUATE SCHOOL OF THEIR INTENT SCHEDULE AMAECHI'S FINAL EXAMINATION WITHOUT AMAECHI'S KNOWLEDGE**

"DEFENDANT'S EXHIBIT # 24"

"UK **NOTIFICATION OF INTENT**

**TO SCHEDULE A FINAL DOCTORAL EXAMINATION**
**The Graduate School**
**University of Kentucky**

**PROGRAM:** Educational Policy Studies and Evaluation
**DATE:** March 6, 2001
**STUDENTS' NAME:** Christopher Amaechi
**SSN** 405-11-6787
**MAILING ADDRESS**: P.O. Box 2371,
London, KY 40743-2371

**ANTICIPATED WEEK OF DEFENSE:** April 9-13, 2001
**ADVISORY COMMITTEE**

| **CORE** | **PROGRAM** |
|---|---|
| 1. Richard Angelo **(Major Professor (Chair)** | Educational Policy Studies |
| 2. Edward Kifer | Educational Policy Studies |
| 3. John Thelin | Educational Policy Studies |
| 4. Shirley Raines | Curriculum & Instruction |
| 5. Thomas Janoski | Sociology |
| **OTHER MEMBERS** | |
| 6._____ | _____ |
| 7._____ | _____ |
| 8._____ | _____ |

Suggested areas from which outside examiner may be selected

_____
_____
_____
_____

TYPE YOUR DISSERTATION TITLE AS IT SHOULD APPEAR IN THE COMMENCEMENT PROGRAM
Student Satisfaction with Perceived Experiences from the Academic Services (AS)

and the Non-Academic
Services (NAS) at the
University of Kentucky

_J. P. Bieber_
DIRECTOR OF GRADUATE STUDIES

FOR GRADUATE SCHOOL USE ONLY:
OUTSIDE EXAMINER: Dr. Nietzel (...file)
DATE NOTIFIED: **03/06/2001** PROGRAM: PSY_"

## APPENDIX 15
## (CASE NO. 04-1091)
## IN 1940's LYMAN T. JOHNSON (AN-AFRICAN AMERICAN MALE) WAS DENIED ADMISSION TO UK'S GRADUATE SCHOOLON THE BASIS OF HIS RACE

Lyman T. Johnson was an African-American male who was denied admission to UK's graduate School in the late 1940s. He believed then that it was his duty to challenge the university's segregated graduate school for purposes of desegregation.

In 1949, the court ruled in his favor. This landmark legal victory has opened all colleges at the University of Kentucky to all students regardless of race or ethnicity.

**Source**: Lyman T. Johnson Monument Committee, University of Kentucky, 557 Patterson Office Tower, Lexington, KY 40506. Phone: (859) 257-8973.
http: www.ukalumni.net/clubsandgroups/ltj.htm

## APPENDIX 16
## (CASE NO. 04-1091)
## HISTORICALLY DEFENDANTS DID NOT HAVE ANY AFRICAN - AMERICAN FULL GRADUATE FACULTY MEMBER EMPLOYED IN THE EPE DEPARTMENT IN FIFTEEN (15) YEARS (1987 THROUGH 2002)

**"PLAINTIFF'S INTERROGATORY NO. 15:** Page 7. Please identify all African-American Full Graduate Faculty members employed in the EPE Department in the last fifteen (15) years.

**ANSWER:** There have been no African-American full graduate faculty members within the EPE Department within the past fifteen (15) years". Defendants further thus: "Emmanual Okorley was an associate member of the graduate faculty during this time, and is African-America."

To that contrary, Dr. Emmanuel Okorley was a citizen of Ghana in West Africa. He was **not** an African-American at the time of Amaechi's enrollment in the doctoral degree program at the University of Kentucky.

## APPENDIX 17
## (CASE NO. 04-1091)
## *IN ANSWERING AMAECHI'S INTERROGATORY QUESTION NO. 6 ON RACIAL ISSUES DEFENDANTS MISINFORMED THE COURTS THAT AFRICAN STUDENTS ON *J-1* AND *F-1* VISAS WERE AFRICAN-AMERICAN DEGREE RECEIPIANTS

**"PLAINTIFF'S INTERROGATORY NO. 6:** Page 4. Please identify all African-American doctoral degree candidates who have obtained their doctoral degree from the EPE Department in the past fifteen (15) years. With respect

to each African-American doctoral degree recipient identified, please name the African-Americans doctoral degree recipient's Dissertation Advisory Committee Chairperson(s)."

**ANSWER:**

Loretta F. Bayars, 1982 - Alan DeYoung and David Denton.

Earlo Anderson, 1983 -Edger Sagen

Betty H. Olinger, 1987 - Juanita Fleming and Charles Elton.

Doris Weathers, 1987 - Richard LaBrecque.

Steve Parker, 1995 - Edger Sagan

Sheila Jackson-Fobbs, 1997 - Edgar Sagan

*Dyasi, Moffat M. 1999 - John Thelin. However, this student was a Citizen of South Africa, and he was on a **J -1 Visa**.

Margery Colson Clark, 2000 - Virgina Davis Nordin

*Nkulu, Kiluba Lukuba-Mvwanda 2000 - Clinton Collins. However, this student was a Citizen of Congo B., and he was on an **F-1 Visa.**

- In fact, an International Student does not become a citizen of the U.S. until after meeting all criteria for citizenship through the U.S. Department of Justice.

**APPENDIX 18**
**THIS EXHIBIT DEMONSTRATES THAT RESPONDENTS BREACHED A CONTRACT AGREEMENT THAT AMAECHI AND DR. RICHARD ANGELO SIGNED ON JUNE 28, 1995**
"DEFENDANT'S EXHIBIT # 4"

**"April 9, 1999**

Christopher N. Amaechi

P. O. Box 2371
London, KY 40742-2371

Dear Christopher,

I have some disappointing (though perhaps not unanticipated) news.

At our department meeting on Tuesday, April 6, we reached a decision about the teaching assistants from coming academic year. Five applicants were reviewed, including yours, for the two positions available. You were not selected.

Moreover, after some discussion of your circumstances, the department decided against renewal of your Lyman T. Johnson fellowship for next year.

I'm sorry.

Sincerely,

Richard Angelo
Associate Professor & Chair

Cc: Robert Shapiro, Associate Dean"

*Please see Appendix 1, p. 30 herein at paragraph 65 for a fact on breach of contract.*

**APPENDIX 19**

**(CASE NO. 04-1091)**

**OUR NATION AT RISK THROUGH DECEPTIVE RESEARCH - EXPOSING READY MADE AND**

**DECEPTIVE TRUISMS OF A MODEL CALLED PERFORMANCE GAP. RESPONSE CHOICES FOR IMPORTANCE SCALE AND SATISFACTION SCALE HEREIN ARE DIFFERENT. PERFORMANCE GAP DID NOT HAVE A SCALE**

| *Importance Scale 1- to- 7* | *Satisfaction Scale 1- to -7* |
|---|---|
| 1 = Not important at all | 1 = Not satisfied at all |
| 2 = Not very important | 2 = Not very satisfied |
| 3 = Somewhat unimportant | 3 = Somewhat dissatisfied |
| 4 = Neutral | 4 = Neutral |
| 5 = Somewhat important | 5 = Somewhat satisfied |
| 6 = Important | 6 = Satisfied |
| 7 = Very important | 7 = Very satisfied |

**APPENDIX 20**

**(CASE NO. 04-1091)**

**A STRUCTURE OF THE UK-1997 SURVEY DATA SETS THAT AMAECHI RECEIVED FROM DR. CHRISTIAN - RAY ON 379 UK-STUDENTS FOR THAT AMAECHI'S DISSERTATION RESEARCH**

**Importance Data:** 7757777777777777777777777777 **etc.**

**Satisfaction Data: 654. . 57666..55..22561557446373.4 etc.**

**Demographic Data: 22411154.122145 etc.**

Petitioner (Amaechi) used 84 Satisfaction Survey items or 84 x 379 = **31836 Satisfaction data** and 14 demographic variables (i.e. 14 x 379) or **5306** demographic data for that study. Those data were first entered by hand into **eleven pages** of 11 in x 17 in sheets and from those data sets Amaechi wrote his approved dissertation proposal.

Upon Amaechi's completion of that study he then computed only the Satisfaction Survey Data from the eleven pages of 11 inches x 17 inches spreadsheet into an SPSS Data File that he *created* with those raw data sets for his 2000-2001 dissertation research at the university.

**APPENDIX 21**

**(CASE NO. 04-1091)**

**A STRUCTURE OF AMAECHI'S SPSS DATA FILE HE CREATED WITH THOSE 11 PAGES OF THE 11 in BY 17 in SATISFACTION AND STUDENT BACKGROUNDS DATA FOR 379 STUDENTS**

| S | GENDER Male (2) Female (1) | AGE 1 to 5 | RACE 1 to 7 | SAT1 E... | SAT 84 S2 |
|---|---|---|---|---|---|
| 1 | 2 | 2 | 4 | 6 | 5 |
| 2 | 1 | 2 | 1 | 6 | 5 |
| 3 | 2 | . | 4 | 5 | 6 |
| 379 | 2 | 2 | 4 | 4 | 5 |

**Note:** Plaintiff's study contained 14 background variables.

**S1 = Students # 1, 2, 2...379;**

**E = Experience (SAT 1, 2, 3, 4 ...83**

**S2 = Outcome of Experience or SAT 84, etc**

**Hence: Amaechi's S1-E-S2 Model (or Paradigm)**

**AGE:** 1 = 18 and under
2 = 19 to 24 etc.

**RACE:** 1 = African-American
4 = Caucasian/White

**GENDER:** 2 = Male
1 = Female

**APPENDIX 22**

**(CASE NO. 04-1091)**

**RESULTS OF AMAECHI'S (2001) RELIABILITY ANALYSIS OF SATISFACTION SCALE**

"Reliability.

****** Method 2 (covariance matrix) will be used for this analysis ******

**RELIABILITY ANALYSIS – SCALE (ALPHA)**

N of Cases = 53.0

| Statistics for | Mean | Variance | Std. Dev. | N of Variables |
|---|---|---|---|---|
| Scale | 399.0566 | 4813.3621 | 69.3784 | 84 |

| Item Means | Mean | Mini. | Max. | Range | Max/Min | Var. |
|---|---|---|---|---|---|---|
| | 4.7507 | 3.8491 | 5.7358 | 1.8868 | 1.4902 | .1651 |

**Reliability Coefficients 84 items**

**Alpha = .9762/.98 Standardized item alpha = .9772/.98**

**APPENDIX 23**

**(CASE NO. 04-1091)**

**RESULT OF DR. CHRISTIAN - RAYS (1997) RELIABILITY ANALYSIS OF THE SAME SATISFACTION SCALE**

**"UK**

**Undergraduate**

**STUDENT SATISFACTION**

***Final Report***

**August 1997**

...The Noel-Levitz Student Satisfaction Inventory (SSI) appears to be a very reliable instrument. Cronbach's coefficient alpha is .97 for the set of importance scores and **.98 for the set of satisfaction scores** *(C-Ray 1997, p. 17)*".

## APPENDIX 24

## (CASE NO. 04-1091)

## SATISFACTION AND IMPORTANCE ITEMS THAT DR. CHRISTIAN – RAY (1997) HAD RATED WITH SATISFACTION SCALE AND IMPORTANCE SCALES FOR CAMPUS CLIMATE

| | |
|---|---|
| 67 = 1 | Most students feel a sense of belonging here. |
| 47 = 2 | The campus staff are caring and helpful. |
| 19 = 3 | Faculty care about me as an individual. |
| 78 = 7 | The campus is safe and secure for all students. |
| 49 = 10 | Administrators are approachable to students. |
| 68 = 29 | It is an enjoyable experience to be a student on this campus. |
| 69 = 37 | I feel a sense of pride about my campus. |
| 57 = 41 | There is a commitment to academic excellence on this campus. |
| 71 = 45 | Students are made to feel welcome on this campus. |
| 72 = 51 | This institution has a good reputation within the community. |
| 18 = 57 | I seldom get the "run-around" when seeking information on this campus. |
| 74 = 59 | This institution shows concern for student as individuals. |

| | |
|---|---|
| 75 = 60 | I generally know what's happening on campus. |
| 61 = 62 | There is a strong commitment to racial harmony on this campus. |
| 11 = 66 | Tuition paid is a worthwhile investment. |
| 62 = 67 | Freedom of expression is protected on campus. |
| 66 = 71 | Channels for expressing student complaints are readily available. |

## APPENDIX 25
## (CASE NO. 04-1091)
## A SAMPLE OF DR. CHRISTIAN-RAYS'S (1997) FINDINGS FOR CAMPUS CLIMATE BASED ON HER ANALYSIS OF IMPORTANCE AND SATISFACTION DATA SETS

| Campus Climate on 17 Items | Importance 6.15 | Satisfaction/ SD 4.94 / 0.92 | Performance Gap 1.21**** |
|---|---|---|---|
| Items 67 = 1 | 5.86 | 4.94 / 0.92 | 0.94**** |
| 47 = 2 | 6.35 | 4.90 / 1.34 | 1.45**** |
| 19 = 3 | 6.18 | 4.69 / 1.53 | 1.49**** |
| 78 = 7 | 6.63 | 5.22 / 1.37 | 1.41**** |
| 49 = 10 | 5.76 | 4.52 / 1.49 | 1.24**** |
| 68 = 29 | 6.40 | 5.34 / 1.42 | 1.06**** |
| 69 = 37 | 5.90 | 5.50 / 1.27 | 0.40**** |
| 57 = 41 | 6.42 | 5.23 / 1.34 | 1.19**** |
| 71 = 45 | 6.18 | 5.00 / 1.45 | 1.18**** |
| 72 = 51 | 6.11 | 6.02 / 1.08 | 0.09**** |
| 18 = 57 | 6.24 | 4.06 / 1.75 | 2.18**** |

| | | | |
|---|---|---|---|
| 74 = 59 | 6.27 | 4.45 / 1.53 | 1.82**** |
| 75 = 60 | 5.61 | 4.88 / 1.42 | 0.73**** |
| 61 = 62 | 5.93 | 4.45 / 1.57 | 1.48**** |
| 11 = 66 | 6.60 | 5.14 / 1.49 | 1.46**** |
| 62 = 67 | 6.06 | 5.25 / 1.30 | 0.81**** |
| 66 = 71 | 6.06 | 4.32 / 1.66 | 1.74**** |

NOTE: IMP. Score - SAT. Score = P. GAP Score

## APPENDIX 26
## (CASE NO. 04-1091)
## RESULTS OF AMAECHI'S (2001) FREQUENCY ANALYSIS OF MISSING N THE THOSE SAME SATISFACTION ITEMS INVESTIGATED IN 1997

| 2001 Items | 1997-A Items | Missing N 1997 | 2001 Items | 1997-A Items | Missing N 1997 |
|---|---|---|---|---|---|
| 1 | = 8 | 013 | 44 | = 42 | 090 |
| 2 | = 16 | 029 | 45 | = 46 | 043 |
| 3 | = 26 | 009 | 46 | = 73 | 039 |
| 4 | = 27 | 025 | 47 | = 2** | 003 |
| 5 | = 32 | 124 | 48 | = 5** | 129 |
| 6 | = 34 | 002 | 49 | = 10 | 036 |
| 7 | = 44 | 093 | 50 | = 13 | 009 |
| 8 | = 49 | 056 | 51 | = 22 | 102 |
| 9 | = 58 | 001 | 52 | = 30 | 139 |
| 10 | = 61 | 020 | 53 | = 43 | 085 |
| 11 | = 66 | 009 | 54 | = 48 | 093 |
| 12 | = 69 | 000 | 55 | = 11 | 009 |

| | | | | | |
|---|---|---|---|---|---|
| 13 | = 6 | 003 | 56 | = 40 | 130 |
| 14 | = 14 | 004 | 57 | = 41 | 004 |
| 15 | = 19 | 013 | 58 | = 50 | 015 |
| 16 | = 33 | 006 | 59 | = 55 | 007 |
| 17 | = 47 | 006 | 60 | = 56 | 052 |
| 18 | = 57 | 006 | 61 | = 62 | 009 |
| 19 | = 3** | 001 | 62 | = 67 | 017 |
| 20 | = 25 | 003 | 63 | = 20 | 045 |
| 21 | = 53 | 011 | 64 | = 35 | 051 |
| 22 | = 65 | 002 | 65 | = 63 | 104 |
| 23 | = 74 | 024 | 66 | = 71 | 064 |
| 24 | = 75 | 025 | 67 | = 1** | 002 |
| 25 | = 76 | 023 | 68 | = 29 | 007 |
| 26 | = 77 | 037 | 69 | = 37 | 004 |
| 27 | = 78 | 026 | 70 | = 39 | 006 |
| 28 | = 79 | 066 | 71 | = 45 | 002 |
| 29 | = 80 | 022 | 72 | = 51 | 008 |
| 30 | = 81 | 062 | 73 | = 52 | 028 |
| 31 | = 82 | 018 | 74 | = 59 | 002 |
| 32 | = 83 | 018 | 75 | = 60 | 007 |
| 33 | = 68 | 003 | 76 | = 64 | 057 |
| 34 | = 70 | 010 | 77 | = 4** | 020 |
| 35 | = 12 | 110 | 78 | = 7 | 002 |
| 36 | = 15 | 067 | 79 | = 28 | 026 |
| 37 | = 17 | 095 | 80 | = 36 | 204 |
| 38 | = 18 | 008 | 81 | = 54 | 010 |

| | | | | | |
|---|---|---|---|---|---|
| 39 | = 23 | 130 | 82 | = 72 | 003 |
| 40 | = 38 | 042 | 83 | = 100 | 000 |
| 41 | = 9 | 070 | 84 | = 100 | 000 |
| 42 | = 24 | 050 | Total | Missing | N |
| 43 | = 31 | 123 | 1997 | Data | = 3,128 |

Those missing "N's" obtained are also found on page 181 of Petitioner's 2001 dissertation containing 213 pages.

## APPENDIX 27

## (CASE NO. 04-1091)

## RESULTS OF AMAECHI'S (2001) ANALYSIS OF SATISFACTION DATA - THE SAME 1997 SATISFACTION ITEMS

| 2001 SAT # | 1997 SAT # | SAT Mean | 2001 SAT # | 1997 SAT # | SAT Mean |
|---|---|---|---|---|---|
| 1 | = 8 | 5.4699 | 44 | = 42 | 4.2561 |
| 2 | = 16 | 5.4371 | 45 | = 46 | 5.1280 |
| 3 | = 26 | 4.4324 | 46 | = 73 | 4.1324 |
| 4 | = 27 | 5.1299 | 47 | = 2*** | 4.9069 |
| 5 | = 32 | 4.8902 | 48 | = 5*** | 4.5600 |
| 6 | = 34 | 4.6472 | 49 | = 10 | 4.5248 |
| 7 | = 44 | 4.9895 | 50 | = 13 | 5.0541 |
| 8 | = 49 | 5.000 | 51 | = 22 | 4.8520 |
| 9 | = 58 | 5.1825 | 52 | = 30 | 4.7208 |
| 10 | = 61 | 4.9749 | 53 | = 43 | 4.8435 |
| 11 | = 66 | 5.1514 | 54 | = 48 | 5.0070 |
| 12 | = 69 | 5.7361 | 55 | = 11 | 4.6054 |

| 13 | = 6 | 5.3484 | 56 | = 40 | 3.9357 |
|---|---|---|---|---|---|
| 14 | = 14 | 5.0160 | 57 | = 41 | 5.2213 |
| 15 | = 19 | 4.5984 | 58 | = 50 | 5.3159 |
| 16 | = 33 | 5.6461 | 59 | = 55 | 5.1129 |
| 17 | = 47 | 4.9598 | 60 | = 56 | 4.8838 |
| 18 | = 57 | 4.0724 | 61 | = 62 | 4.4784 |
| 19 | 3*** | 4.6958 | 62 | = 67 | 5.2514 |
| 20 | = 25 | 4.9734 | 63 | = 20 | 4.8323 |
| 21 | 53 | 4.5734 | 64 | = 35 | 5.0640 |
| 22 | = 65 | 5.7798 | 65 | = 63 | 5.2436 |
| 23 | = 74 | 4.8282 | 66 | = 71 | 4.3333 |
| 24 | = 75 | 5.4520 | 67 | = 1*** | 4.9178 |
| 25 | = 76 | 4.5871 | 68 | = 29 | 5.3468 |
| 26 | = 77 | 4.2251 | 69 | = 37 | 5.4907 |
| 27 | = 78 | 4.9915 | 70 | = 39 | 5.6997 |
| 28 | = 79 | 4.4760 | 71 | = 45 | 4.9973 |
| 29 | = 80 | 4.9468 | 72 | = 51 | 6.0162 |
| 30 | = 81 | 4.9464 | 73 | = 52 | 5.0370 |
| 31 | = 82 | 5.1939 | 74 | = 59 | 4.4642 |
| 32 | = 83 | 5.5568 | 75 | = 60 | 4.8737 |
| 33 | = 68 | 5.7500 | 76 | = 64 | 5.0248 |
| 34 | = 70 | 4.9566 | 77 | = 4*** | 5.1086 |
| 35 | = 12 | 4.8030 | 78 | = 7 | 5.2228 |
| 36 | = 15 | 5.1731 | 79 | = 28 | 4.6431 |
| 37 | = 17 | 4.2641 | 80 | = 36 | 5.0114 |
| 38 | = 18 | 4.7116 | 81 | = 54 | 5.0976 |

| | | | | | |
|---|---|---|---|---|---|
| 39 | = 23 | 4.2771 | 82 | = 72 | 5.5957 |
| 40 | = 38 | 4.7745 | 83 | = 100 | 4.4855 |
| 41 | = 9 | 5.2265 | 84 | = 100 | 4.8654 |
| 42 | = 24 | 5.6657 | KMO | Sampling | Adeq. |
| 43 | = 31 | 5.1016 | | | 88.5 % |

After Amaechi's analysis he compared his results with the 1997 study at UK and found that his obtained mean scores for satisfaction items were similar to Dr. Christian-Rays (1997) mean scores for satisfaction items.

Respondents obtained scores for "Performance Gap" by subtracting satisfaction mean from the importance mean for the same items given only once and for one occasion. But "Performance Gap" did not have a scale.

Amaechi chose instead to use only the satisfaction scores for satisfaction analysis based on Durkhemian Traditional scientific methods of investigation and to test Emile Durkheim, 1909 notion: ***"Sociology must not be a simple illustration of ready-made and deceptive truisms; it must fashion discoveries which cannot fail to upset accepted notions."*** (Randall Collins (1994, p. 181). Four Sociological Traditions. NY, NY: Oxford University Press.

As in Tabachnick B. G. & Fidell, L. S. 1996 (p. 378). Using Multivariate Statistics (Third Edition). HarperCollins Publishers Inc., Amaechi believes that a *relationship* between **one outcome variable** (such as ***satisfaction)*** and **more than one none-outcome** variables (such as ***age, gender, class and etceteras)*** is also obtainable using **multivariate** statistics completed such analysis as well.

Amaechi also maintains that "multiple regression" and or a *multiple correlation* is the statistical method most commonly employed for predicting *Y (i.e. a dependent*

*variable)* from two or more independent variables. (Glass G. V. and Hopkins K. D. 1996, p. 170). *Statistical Methods in Education and Psychology* (Third Edition). Boston, MA. Allyn and Bacon.

SAT. 83 (100) is the overall satisfaction old mean for the UK-1997 satisfaction data set. On page 77 of Amaechi's 2001 dissertation he referred to that 83 (100) as 1997-A.

SAT. 84 (100) is the new mean for the same satisfaction data set with **"Missing N" from** each item **replaced** before analysis. On page 77 of Amaechi's 2001 dissertation he referred to that 84 (100) as 1997-B.

## APPENDIX 28

## (CASE NO. 04-1091)

## SOME RESULTS OF AMAECHI'S (2001) ANALYSIS OF THE RELATIONSHIPS BETWEEN SATISFACTION AND STUDENT BACKGROUNDS

| | SAT | GDR | AGE | ETR... |
|---|---|---|---|---|
| SAT | 1 | .498 | .017 | .631 |
| GDR | .498 | 1 | .010 | .807 |
| AGE | .017 | .010 | 1 | .899 |
| ETR | .631 | .807 | .899 | 1, ... |

SAT = Satisfaction **(S2)**, GDR = Gender, AGE = Age;

ETR = Ethnicity/Race, S2 = Satisfaction **mean** for a student's experience with several satisfaction items.

## APPENDIX 29

## (CASE NO. 04-1091)

## SOME RESULTS OF AMAECHI'S (2001) ANALYSIS OF THE RELATIONSHIPS BETWEEN SATISFACTION AND OTHER CATEGORICAL VARIABLES – ACADEMIC SERVICES (AS)

| | SAT | FTI | FT3 | FT6 | FT9 | FT11 |
|---|---|---|---|---|---|---|
| SAT | 1 | 791 | .594 | .593 | .657 | .457 |
| FT1 | .791 | 1 | .652 | .650 | .640 | .572 |
| FT3 | .594 | .652 | 1 | .411 | .479 | .414 |
| FT6 | .593 | .650 | .411 | 1 | .510 | .435 |
| FT9 | .657 | .640 | .479 | .510 | 1 | .356 |
| FT11 | .457 | .572 | .414 | .435 | .356 | 1 |

SAT = Satisfaction **(S2).** FT = Factor, FT1 = Factor one, etc.

FT1 = Quality of Instruction **(AS)**

FT3 = Concern for Individual Students **(AS)**

FT6 = University Studies – General Ed. Requirements **(AS)**

FT9 = Variety of Courses offered on Campus **(AS)**

FT11= Registration Effectiveness **(AS)**

## APPENDIX 30

## (CASE NO. 04-1091)

## SOME RESULTS OF AMAECHI'S (2001) ANALYSIS OF THE RELATIONSHIPS BETWEEN SATISFACTION AND OTHER CATEGORICAL VARIABLES – NON-ACADEMIC SERVICES (NAS)

| | SAT | FT2 | FT4 | FT5 | FT7 | FT8... |
|---|---|---|---|---|---|---|
| SAT | 1 | .678 | .671 | .643 | .472 | .558 |

| | | | | | | |
|---|---|---|---|---|---|---|
| FT2 | .678 | 1 | .642 | .597 | .379 | .597 |
| FT4 | .671 | .642 | 1 | .609 | .436 | .452 |
| FT5 | .645 | .597 | .609 | 1 | .319 | .567 |
| FT7 | .472 | .378 | .436 | .319 | 1 | .270 |
| FT8... | .558 | .597 | .452 | .567 | .270 | 1 |

**SAT = Satisfaction (S2)**

**FT2 = Enjoyable Experience/Campus Environment (NAS)**

**FT4 = Student Expression on Campus (NAS)**

**FT5 = Residence Hall Services (NAS)**

**FT7 = Financial Aid Services (NAS), FT8 = Student Involvement in Campus Organization (NAS), and etc.**

## APPENDIX 31

## (CASE NO. 04-1091)

## UPON RECOMMENDATIONS OF AMAECHI'S COMMITTEE HE WROTE A LETTER TO HIS COMMITTEE EXPECTING THEM TO ALLOW HIM TO FINISH HIS DISSERTATION WRITING

"DEFENDANT'S EXHIBIT # 31"

"Christopher N. Amaechi
P. O. Box 2371
London, KY 40743-2371

**May 21, 2001**

Dr. Richard M. Angelo
Chair Department of Educational

Policy Studies and Evaluation
131 Taylor Education Building
University of Kentucky
Lexington, KY 40506-0001

Dear Dr. Angelo,

Your recommendation to terminate me from the degree program in the Department of Educational Policy Studies and Evaluation at the University of Kentucky represents your continued act of harassment and intimidation. You heightened the threats and intimidation in 1999. Please review my letter to you on the issues dated July 24, 1999 and copied to Dr. Beth Goldstein, Dr. Shirley C. Raines, Dr. Robert Shapiro, Dr. Michael T. Nietzel, Dr. Douglass Kalika, Dr. Denese Jones, and to Dr. Elizabeth Zinser. According to you my writing is "...bad sex". According to you "high grade point average is not a reflection of one's abilities at the University of Kentucky". According to you, "the doctoral degree may not be for me". I entered the program in 1995, earned 71 graduate hours at the University of Kentucky with a 3.704/4.0 cumulative grade point average. The fact that you denied me the opportunity to take any of your classes does not mean that professors who allowed me to take their classes freely gave me the grades. I earned my grades.

You have recommended for my termination from the program. I believe that there are some graduate students in the program who enrolled in 1995 and are still in the program. However, you singled me out for termination. I believe that your recommendation to terminate me from the

program has violated the terms and conditions of our agreement which obligates you to guide me until graduation.

I also believe that your recommendation to terminate me from the program has interfered with my years of eligibility in the program. I was abandoned in the Fall 1998 and Spring 1999 semester when no one in the department signed a contract with the Graduate School to serve as my Major Advisor for the dissertation phase. Within that time period, you and Dr. Emanuel Okorley required me to review and write twelve different dissertation abstracts and present each to you. I complied with your demands yet none of the twelve topics as approved. Your letter to me on May 14, 2001 is the beginning of another form of abandonment. Each period of abandonment violates the terms and conditions of our agreements with respect to my years of eligibility in the program.

You and my Advisory Committee approved my dissertation proposal in which I also proposed to graduate in May 2001. I



submitted the first draft of my dissertation to you on February 27, 2001. At that time you told me not to call you but you will call me in two weeks. I received your written responses on **March 25, 2001**. On April 30, 2001 I submitted the revised copy of the dissertation to you. At that time you asked me to give you another two weeks to read it before you could give me a written response. On April 14, 2001, I called you for an opportunity to meet you one-on-one to review the dissertation. You told me then to show up at a meeting scheduled for May 16, 2001 at 1:00 p.m. in Dr.

Shirley C. Raines (Dean of the College of Education) office. At that meeting you handed to me a letter in which you recommended my termination from the program.

Your claim that I did not incorporate the committee's advice into the revised dissertation that I submitted to you on April 30, 2001 is false, and my evidence against your claim begins with Exhibit #1 on page three. The University of Kentucky bulletins published from 1995 to 2001 contain a section on the roles of the Major advisors toward helping a doctoral student until completion. You breached this faith in May 14, 2001 by recommending my termination from the program.

I have always asked for the opportunity to meet one-on-one with you to know specifically what to change in the dissertation, why the change needs to be made, and how to incorporate the change without changing the outcome of the study. You have instead preferred giving pieces of global advice without specificity.

You have stated that the revisions I made in the dissertation submitted to you on April 30, 2001 "left untouched the deficiencies of *concept, method, and exposition* highlighted in the memos" which I have received from and from Dr. Kifer on March 25, 2001. These charges are very serious enough to deserve some precision and specificity.

I wish to remind all that my life, liberty and pursuit of happiness depend largely on graduating from the Department of Educational Policy Studies and Evaluation (EPE) at the University of Kentucky with the doctorate degree. **It is my ultimate goal to teach at a four-year college or at a**

**university with the doctorate degree and employers prefer candidates with earned doctorate degree for teaching positions over candidates with ABD.**

If you had specifically told me what to change in the dissertation I had submitted to you on February 27, 2001 why the change, and how to incorporate the change into the dissertation without changing the outcome of the research, I would have graduated in May 6, 2001.

You advised me not to define "Face Validity" (See page 4 of your letter dated March 25, 2001). At the same time Dr. Edward (Skip) Kifer me a memo through you stating that the "reliabilities and validities of the Noel-Levitz instrument must be reported" in the dissertation. I could not have reported them if I had not received a copy of his memo from you. Your preferred pieces of global advice through written summary of the committee's responses have continued to delay my graduation from the program.

This letter of response specifically addresses each advice I had received from each of the members of my advisory committee after February 27, 2001. **The page number(s) of the chapter(s) cited at the end of each advice represent(s) the location in the dissertation submitted to you on April 30, 2001 where the piece of advice was incorporated**. These revisions are presented in the exhibits below:



Exhibit #1: On March 25, 2001 **Dr. Richard M. Angelo** gave these advice:

A. "We have no peg on which to hang performance gap"

**(pages 3 through 9).**

B. Show coherent line or reasoning in the first two Chapters **(see chapter 1 and 2).**

C. Abstract was salient about performance gap and S-E-S2 **(review abstract of the dissertation after the cover page).**

D. Give rationale for secondary data analysis **(review page 10 of the manuscript).**

E. Develop the distinction between measurement and theory **(page 1 through 20).**

F. Elaborate on the theory **(review pages 22 through 28 of the manuscript)**.

G. Remove the brief history of student services **(removed from the manuscript).**

H. Treat Student Satisfaction as a domain with its own Identity **(the approved dissertation topic was on student satisfaction. Review concerns of this study addressed very early on pages 13 through 14).**

I. Do some serious work on the statistical reasoning **(review concepts page 31 through 33, review methods pages 66 through 94, and exposition chapters 4 and 5).**

J. Do not define most of the terms like face validity, herculean task, oxymoron, sine quanon **(face validity was essential to the study but others were removed).**

Exhibit #2: **Dr. Edward (Skip) Kifer…**

A. Explain abbreviations like DV1 and DV2 **(review pages 73, 74, 75, and page 90).**

B. Explain S1-E-S2 **(review pages 23 through 28).**

C. Separate terms by academic services and non-academic services **(review page 76).**

D. "Value added" has a meaning in the context of other research **(page 77, 1997-B).**

E. If the missing values are important enough to produce two separate analysis, they must be important enough to look at seriously **(pages 76, 77 and 181).**

F. How many items were included in the analysis **(page 81 on reliability analysis, page 84 on factor analysis, and page 89 on reliability of multivariate tests).**

G. If one is using more than one outcome variable, an appropriate term is multivariate. **(This study involved more than one outcome variable such as DV1 83(100) and DV2 84(100) on pages 90, 91. Also see input factors pages 134 -145).**

H. It is not clear why factor analysis were done **(review pages 84 and 85).**

I. Information about the validity and reliability of the Noel-Levitz inventory must be part of the dissertation **(review page 78 on validity and pages 81 and 82 on reliability).**

J. Results of the academic and non-academic services are not reported review **(from page 124 through page 145).**

K. What are the centers (or means) and spreads (or SDs) of the dependent and independent variables **(review pages 135, 136, 140, 142, 143, 145, 146, 148, 149, 150, 151, 152, and 153).**

L. The appendix does not contain the analysis upon which the table is based. **I left messages for Dr. Kifer on March 25, 2001 for clarification of this but did not receive a reply but I responded anyway (review pages 173 through 179 and 181).**

Exhibit # 3: **Dr. John R. Thelin...**

A. "I read carefully those sections where Christopher cited some historians of higher

Page 4

education...but the context and connection to his work were not clear and did not do justice to those cited – to resist claiming that his work followed from those historians and their work..." **(the Historical Reviews were removed).**

**Dr. Thomas Janoski...**

A. Where are the correlation matrices showing the relationships between S1 and S2 **(review pages 121, and 122).**

B. What about the correlation matrices for relationships between academic services and satisfaction **(review pages 124 and page 128).**

C. It is important to show the correlation matrix for relationships between satisfaction and the non-academic services **(review pages 126, and 129).**

D. I need to see in the first few pages some values of satisfaction ratings and of performance gaps transformed into Z-scores **(review pages 3, 4, 5, 6, 7, 8, & 9).**

Furthermore, I have reviewed General Regulations of the Graduate School from 1995 to 2001 on Termination and on the Dissertation phase. It is not the Policy of the University of Kentucky to recommend for termination a student who is asking his/her major advisor for specific guidance to enable him/her to effectively make necessary revision(s) in written dissertation before the defense. The letter I mailed to you before the meeting on May 16, 2001 asked for specific guidance from you. It was dated May 14, 2001 and you received a copy from me at the **May 16, 2001** meeting.

Your recommendation for my termination from the program with the knowledge that you could be going on a study leave in the Fall 2001 speaks volumes.

I have enclosed copies of your letters to me dated **March 25, 2001, and May 14, 2001;** and copies of my letters to you dated **July 24, 1999, May 14, 2001** and a memo from Dr. Kifer.

Sincerely,

Christopher N. Amaechi

Cc: Dr. Jeffrey P. Bieber
Dr. Beth L. Goldstein
Dr. Michael T. Nietzel
Dr. Lauretta F. Byars
Dr. Deneese Jones
Dr. Fitzgerald Bramwell
Dr. Edward (Skip) Kifer
Dr. John R. Thelin
Dr. Shirley C. Raines
Dr. Thomas Janoski
File"

**APPENDIX 32**

**(CASE NO. 04-1091)**

**OVER 800 COLLEGES AND UNIVERSITIES IN THE UNITED STATES USE MEASURES OF PERFORMANCE GAP FOR DECISION-MAKING AND FOR POLICIES IN EDUCATION**

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Mr. Christopher Amaechi
Doctoral Candidate
University of Kentucky

PO Box 2371

London, KY 40743

Dear Mr. Amaechi:

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Program Consultant

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**PLEASE NOTE:** ***"...There were no other doctoral candidates who went through the termination process as did Amaechi" See Appendix 12 herein. A reasonable explanation for that disparate treatment of Amaechi is because Amaechi is black and male and was not expected to make a reasonable discovery from his research study.***

**APPENDIX 33**
**(CASE NO. 04-1091)**
**A LETTER FROM DR. ANGELO WITH RACIST REMARKS. HE USED BASKETBALL AND OTHER SPORTS TO RELATE TO AMAECHI**
**"DEFENDANT'S EXHIBIT # 16"**

**"June 15, 2000**
Memorandum:

To: Christopher Amaechi
From: Richard Angelo, Chair EPE
Re: Our meeting today with Professor Kifer to

Discuss your last proposal (May 31).

I'm writing to summarize my understanding of the substance of our meeting this afternoon.

**...(Bear in mind, while you're at it, that if student experiences are what matter, not perception or memory, you best think concretely about those experiences-about basketball games, concerts, pizza parties, and the like-and how you plan to chase these empirically. What's more, picking and choosing items from various survey instruments is certain to create more methodological problems for you than it will solve.)**

Perhaps inevitably, the big distinction between your approach and Ray's approach to "student satisfaction" came up. **Once again we recommended a secondary analysis of Ray's data as the best way to make the case, and once again you rejected that suggestion,** in no small measure because you're convinced that the reliability of the data is open to question unless you have the individual questionnaires-the protocols-in hand.

In conclusion, you made it clear that while you intend to take a fresh crack at the issues raised by Professor Kifer in the weeks ahead-these are same issues, I might add, which I formulated for you in my memos of April 25 and May 9- you do not wish to tarry any longer with us over revisions. A meeting of the full committee to vote your effort up or down is what you want, and that is precisely what you'll get, as soon as we can arrange it.

Cc: Professor Skip Kifer"

**APPENDIX 34**
**(CASE NO. 04-1091)**
**AMAECHI'S REPLY TO DR. ANGELO'S (6/15/2000) LETTER FOCUSSING ON ISSUES RELATED TO AMAECHI'S SCHOOLWORK**

"Christopher N Amaechi
P.O.Box 2371
London, KY 40743-2371

**June 18, 2000**

Dr. Richard Angelo
Chair EPE
131 Taylor Education Building
Lexington, KY 40506-0001

Dr. Dr. Angelo,

Your memorandum to me dated June 15, 2000 and copied to Dr. Kifer totally misrepresented my views at our meeting on Thursday June 15, 2000. Therefore, I wish to repeat in writing what I had said at that meeting for the record.

I remarked that you are my major advisor and I have revised my proposal numerous times since 1998 based on your suggestions, recommendations and persuasions. I will revise it again based on your recommendations at that June 15, 2000 meeting and put all parts of the proposal together for you and for the committee rather than submitting fragments of the proposal to you and to the committee. Those were my comments at that meeting concerning revisions.

You and Dr. Kifer strongly recommended to me at that June 15, 2000 meeting to use institutional survey data which Christian-Ray and Associated (1997/2000) had

collected at the University of Kentucky and used for performance gap analysis for my dissertation because you believe that the data is richer than the data I was proposing to collect. You also reinterated the same recommendations in your June 15, 2000 memo to me. In addition, you re-advised me at that meeting to begin now to use the dissertation proposal writing format that I had learned from Dr. Thomas Gusky. I will comply with your recommendations.

**Therefore, I have agreed to use the recommended survey data to examine evaluative outcomes of student experiences from academic and non-academic at the University of Kentucky.** I will be revising my dissertation proposal in accordance with the contents of the data and wish to proceed immediately for the data. My topic is still student satisfaction with experiences from academic and non-academic services at the University of Kentucky. You will receive my full written dissertation proposal as soon as I am finished with the revisions.

Thank you for your recommendations.

Christopher N. Amaechi

cc: Dr. Kifer, Edward
Dr. Bjork, Lars G.
Dr. Janoski, Thomas
Dr. Bramwell, Fitzgerald"
Dr. Douglass Kalika
Dr. Jeffery Bieber
Dr. Robert Shapiro
Dr. Thelin, John R.
Dr. Rains, Shirley C.
Dr. Nietzel, Michael T.

**CERTIFICATE OF A PARTY UNREPRESENTED BY COUNSEL UNDER RULE 44.2 AND UNDER RULE 29**

**1.** This is to certify that all of the exhibits presented in full and or in part in this case are from the true and accurate copies of the original exhibits. Christopher Nnamdi Amaechi (hereafter Plaintiff-Appellant-Petitioner "Amaechi") certifies that the absence of an Attorney to represent him in a case of this magnitude is an intervening circumstance of a substantial or controlling effects. He filed his Petition for Case No. 04-1091 without a legal representation because his Attorney Linda J. West, Esq. said she is not admitted to the Bar of the United States Supreme Court. Amaechi unable to find an attorney is filing this Petition for Rehearing under Rule 44 with limited knowledge from filing the Petition for a Writ of Certiorari for Case No. 04-1091. In addition to previous 33 exhibits presented in the Petition for a Writ of Certiorari, Amaechi has included thirty-four (34) more exhibits (Apx. **11 – 34; pp.** 11 to 103) herein on ***grounds*** as stated in the Second Amended Complaint in Apx. **1** pp. 11-38 herein; and on all exhibits and facts, arguments, case laws, constitutional, statutory, and on regulatory provisions believed to confer on the United States Supreme Court's jurisdiction to review. This Petition for Rehearing is restricted to the grounds specified in this paragraph presented "in good faith and not for delay".

Three copies of this paid Petition for a Rehearing are served on counsel for Respondents-Robert L. Roark, Esq., WALTTHER, ROARK, GAY & TODD, 163 E. Main St., Ste. 2000, Lexington, KY 40507, this 10th day of May 2005.

Amaechi 05/10/05

Signature Date